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Vol 1. pt 1 contains 1 plate (Gowry House)
- 1 pt 2 - 1 - (News from Scotland)
- 2 contains Plate 6 and Plates I and II
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CRIMINAL TRIALS

IN SCOTLAND,

FROM A.D. M.CCCC.LXXXVIII TO A.D. M.DC.XXIV,

EMBRACING THE ENTIRE

REIGNS OF JAMES IV. AND V., MARY QUEEN OF SCOTS, AND JAMES VI.

COMPILED FROM THE ORIGINAL RECORDS AND MSS.

WITH

HISTORICAL NOTES AND ILLUSTRATIONS,

BY

ROBERT PITCAIRN, ESQ.

WRITER TO HIS MAJESTY'S SIGNET, F.S.A. SCOT. AND HON. F.S.A. PERTH, &c.

VOLUME FIRST—PART FIRST.

EDINBURGH:
WILLIAM TAIT, PRINCE'S STREET; AND
LONGMAN, REES, ORME, BROWN, GREEN, AND LONGMAN, LONDON.
M.DCCC.XXXIII.

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TO

THE RIGHT HON. THE LORD JUSTICE-CLERK,

AND TO

THE HON. THE LORDS COMMISSIONERS

OF

THE HIGH COURT OF JUSTICIARY,

THIS FIRST VOLUME

OF

A COLLECTION

OF THE EARLIEST RECORDED PROCEEDINGS BEFORE

THE

SUPREME CRIMINAL TRIBUNAL OF SCOTLAND;

COMPILED

BY THEIR LORDSHIPS' PERMISSION, AND UNDER THEIR SANCTION,

IS MOST RESPECTFULLY DEDICATED,

BY

THEIR LORDSHIPS' OBLIGED AND FAITHFUL SERVANT,

THE EDITOR.

PREFACE.

The Editor has at length the satisfaction of having brought the present Collection of the earliest Criminal Proceedings in Scotland, of which authentic memorials are now preserved, to a conclusion. This task has occupied several years of laborious exertion, which, it must be admitted, has been severer than might at first have been anticipated; but, when the difficulties he had to grapple with, and the repulsive materials from which these volumes have been compiled, are candidly considered, it will readily be allowed that the undertaking required no ordinary exertion of application and perseverance.

It has all along been the Editor's anxious study to furnish the Public with a copious selection from these ancient Records, (the earliest, perhaps, as well as the most remarkable, in this department, of which any country in Europe can now boast,) in a scrupulously faithful and accurate manner, without using even the slightest liberty with the phraseology or structure of the original text. His editorial labours, therefore, have been confined chiefly to the selection of the most remarkable Cases, and the addition of such collateral historical

and antiquarian illustrations as the nature of the subject seemed to demand, or his more important professional exertions, which, during the whole of this period, also happen to have been of a severe and laborious description, allowed him to make.

The present work was first suggested by the late lamented Sir Walter Scott, whose attachment to the early history, literature, and antiquities of his native country are so universally known and appreciated, that his name may now be said to be indissolubly identified with them. The idea and plan of such a work as the present had, many years ago, occurred to that truly great man; and, at one period, he had himself contemplated the publication of the most remarkable of the ancient Criminal Cases of Scotland, combining the facts of each with all the correlative circumstances, worked up into a popular and narrative form. From this undertaking, however, he was diverted by his numerous avocations and literary engagements, but chiefly from the consideration that many years must necessarily have been consumed in acquiring all the requisite stock of materials and information, before he could commence the composition of such a work. Both previous to, and shortly after the institution of his favourite literary Association, the Bannatyne Club, he encouraged the Editor to attempt the publication of the present Collection; but, being diffident of his adequacy to so important and extensive an undertaking as had at first been contemplated by Sir Walter Scott, it was proposed by the Editor that he should, in the first place, carefully investigate the Records and MSS. belonging to the Court, and make pretty extensive Selections from the earlier portion of the reign of King James VI., in the

manner that appeared to him likely to be the most accurate, and, at the same time, the most practically useful.

These Selections were accordingly made and subjected to the critical examination of Sir Walter Scott and of Thomas Thomson, Esq., Deputy Clerk Register of Scotland, now his successor as President of the Bannatyne Club, together with the outlines of the plan which seemed to be best calculated to make the proposed Collection as useful as possible, as a work of reference. With a few modifications, these learned individuals concurred in advising the publication of the work, in the form in which it is now found. The patronage of THE LORD JUSTICE-CLERK and the Lords Commissioners of the High Court of Justiciary, THE LORD PRESIDENT of the Court of Session, THE LORD CHIEF COMMISSIONER of the Jury Court, BARON HUME, and many other eminent individuals, whose names rank highest in the profession of the Law, as well as in the literature of this country, was liberally and readily granted in furtherance of the work.

The BANNATYNE and MAITLAND CLUBS, also, and many other literary and Antiquarian friends, having subscribed to the projected publication, the Editor felt that he could not, in gratitude, any longer decline undertaking the remaining risk and responsibility, great though they, from the outset, appeared to him to be. It was clear to all, however, that no adequate compensation could reasonably be expected for the expenditure of time and labour, and the large pecuniary advances which must necessarily be involved in the undertaking of so very extensive an engagement, unless many of the members of the principal Legal Bodies should come forward in support of the Editor,

after the publication of the preliminary Parts of his projected work. This hope, unfortunately, has not hitherto been realized.

These explanations appear to the Editor to be in some measure called for, in consequence of his having been frequently and freely censured by many of his friends, as if he had rashly and unadvisedly incurred so very heavy a responsibility, and as if he had wilfully sacrificed so many years to intense application on pursuits so little likely to yield a corresponding return for the labour and expense bestowed. Without farther intruding on the reader's patience these personal concerns, he trusts he has shown satisfactorily, that he had the best grounds for expecting a more favourable result. In the face of at least the extreme probability of suffering considerable pecuniary loss, after the time when the first two or three Parts were published, he is conscious that he has in no wise shrunk from the fulfilment of any part of the obligations under which he conceived and felt himself to lie towards those who so liberally and disinterestedly came forward to support the present work, but has steadfastly brought it to a termination, under circumstances of considerable difficulty and discouragement.

It belongs to his subscribers and to the public to judge in what manner he has succeeded in redeeming his pledge, in faithfully laying before them these remarkable relics; and whatever disappointment he may unintentionally have occasioned, in the discharge of his difficult task as an impartial Editor, it will, he trusts, be imputed to no lack of zeal or industry on his part. In the course of any voluminous work of a historical or antiquarian cast, and especially one of the nature of the present, which embraces so wide and va-

ried a range, it must naturally be expected that an Editor, notwithstanding the exercise of the utmost care and vigilance, must, in many instances, fall short in affording satisfactory elucidations of obscure historical events, local or provincial occurrences, and other incidents of a minute description, of long forgotten superstitions, and similar vestiges of former ages. The reader's indulgence is requested in all such instances. Even those whose previous studies and habits have not rendered the difficulty of conducting investigations of this description quite familiar, will, on reflection, perceive, that much patient industry must be exercised in ascertaining and settling even one solitary fact, or a single obscure or controverted point.

The grave nature of a work conducted on the plan of the present, it may be farther noticed, entirely precluded the possibility of reducing any portion of it into a "popular" form, so as in any manner to compete, in point of interest, with works of fiction, or the lighter and more fascinating literature of the day. Such a work may indeed still be considered as a *desideratum;* but, in the Editor's humble opinion, it would require to be executed by a master-mind, such as his who suggested this publication. The merit of a Collection on the present plan appears to be, that the reader should be presented with all the facts, circumstances, and details, in the graphic and masculine language of the times when they actually occurred. All the requisite materials are thus afforded for arriving at a sound opinion as to the real complexion and merits of the case—and it only remains farther for an Editor to put the reader in possession of such contemporaneous documents and State Papers, &c., from authentic sources, as may tend to throw additional light on the original, though frequently

obscure and quaint, Record. Prefatory notices to the various remarkable Trials, and copious explanatory foot-notes, were likewise found to be necessary to aid the modern reader towards the better understanding of these Records; which, being expressed in the vernacular and now almost forgotten Scottish of centuries long gone by, evidently appeared to stand in need of occasional glosses.

It is, perhaps, hardly to be expected that the circulation of a work so quaint and antiquated as the present should be general or widely extended. The language alone is apt to deter many from patiently gleaning views of the state of society and manners of these periods, which are very imperfectly known or understood; indeed to many they are only familiar through the medium of works of fiction and romance. But to the lawyer, the historian, the antiquary, and the genealogist, especially, this compilation will be found to be of considerable practical utility, as it abounds with ample materials for the prosecution of their favourite studies; while, at the same time, the more general reader will at every turn meet with varied portraitures of national manners, customs, and the superstitions of bygone ages, which might in vain be searched for elsewhere.

The reader will find in the Appendices to the several reigns, and also scattered over the whole Collection, valuable Selections from the various Public Records, and especially from those of the Privy Council, Great Seal, Privy Seal, Lord High Treasurer's Accounts, &c., in which are contained very important historical materials. The Editor has also deemed it proper to present a considerable body of State Papers, Original Letters, and similar illustrative documents,

procured from various sources, which, as will be observed, have uniformly been specified.

It would be as presumptuous, as it seems uncalled for, to attempt an historical account of the origin and progress of the Criminal Tribunals of Scotland. These have already been so fully and satisfactorily treated of by Baron Hume and by the other Institutional writers, that any attempt to offer new or additional remarks were equally vain and fruitless.

On the suggestion of several friends, the binder has been directed to preserve the annexed NOTICES, which were originally prefixed to the various Parts of this work, for the purpose of exhibiting the order and manner of publication, as well as to account for the anomaly of postponing the printing of those Criminal proceedings which occurred during the earlier reigns of King James IV. and V., and Mary Queen of Scots, till the conclusion of the series.

To render consultation of the work as easy as possible by readers of every class, a very copious GENERAL INDEX has been constructed with great care and labour, and at a considerable additional expense.

GENERAL REGISTER HOUSE,
25th March, 1833.

PROSPECTUS

OF

A COLLECTION OF ANCIENT CRIMINAL TRIALS,

SELECTED FROM THE BOOKS OF ADJOURNAL OF THE HIGH COURT OF JUSTICIARY OF SCOTLAND, AND OTHER ORIGINAL RECORDS;

BY

ROBERT PITCAIRN,

WRITER TO HIS MAJESTY'S SIGNET, F.S.A. SCOT., AND HON. F.S.A. PERTH, &c.

THE importance of the RECORDS of the HIGH COURT OF JUSTICIARY IN SCOTLAND has hitherto been very little known, excepting to the comparatively few, who have made the investigation of the Legal Antiquities of Scotland a peculiar study. The difficulty experienced in deciphering these Ancient Registers, (which are scattered over a voluminous collection of Court Books, &c., and are nearly unintelligible to a great proportion even of those educated to the profession of the Law,) and the great labour and time to be expended in examining and selecting such portions as may be useful in practice to the Lawyer, or interesting to the lovers of History, Genealogy, and Antiquities, &c. as well as for the more popular purpose of general information and entertainment; have hitherto prevented any attempt at a regularly Chronological Series of our Ancient Criminal Trials and procedure.

The only portion of these valuable Records known to the public, has been imperfectly exhibited, in Collections of ABRIDGED CASES, by Mr Arnot, and Mr Maclaurin; and from occasional notices contained in our Institutional Writers. Mr Arnot's Abridgement of a few remarkable Cases, was professedly prepared by him to illustrate some of the more prominent features in the history, manners, customs, and superstitions of the people of Scotland; and not to exhibit an accurate or satisfactory digest of those interesting and important remains, as they are to be found in the Records. However entertaining and instructive Arnot's Compilation may be, in other respects, it gives only a partial, and, in many instances, far from a faithful transcript, even of the Trials of which he has presented a brief outline; and it may be safely said, that all have received a high colouring from his peculiar notions, both in politics and religion. Mr Maclaurin's Arguments and Decisions, on the other hand, were collected, with a view 'to the advancement of jurisprudence, and (to) be useful also to many gentlemen not bred to the law, who are called upon, by the constitution, to serve as jurymen.' Owing to the nature of his plan,

he has noticed only fifteen cases which had occurred before the commencement of the eighteenth century.

The present Editor has been induced to undertake a Collection upon a more regular plan, and on a more extended scale, than have hitherto been attempted; and in this he is encouraged by the liberal sanction and countenance of the Right Honourable the LORD JUSTICE CLERK and of the LORDS COMMISSIONERS OF THE HIGH COURT OF JUSTICIARY, who have granted free access to all Books and Papers of the Court which it may be necessary to consult. He has also been honoured by the countenance of the Right Honourable the Lord President of the Court of Session, Baron Hume, the Keeper and Commissioners of the Society of Writers to his Majesty's Signet; and likewise of Sir Walter Scott, Baronet, the President, and Thomas Thomson, Esquire, Deputy-Clerk Register of Scotland, Vice-President of THE BANNATYNE CLUB (who, indeed, originally suggested the idea and plan of this work); by the support of the Members of that Club, of the Members of THE MAITLAND CLUB, recently formed in Glasgow for similar purposes, as well as of many whose names rank high in the profession of the Law, and in the literature of the country.

The earliest portion of the ANCIENT CRIMINAL RECORDS OF SCOTLAND now extant, commences so far back as 7th Nov. 1493, in the sixth year of the reign of KING JAMES IV.; and although at that remote period, and during the subsequent reigns of KING JAMES V. and QUEEN MARY, the memorials to be obtained are unfortunately brief, yet notices do frequently occur, both highly characteristic of the state of society, and illustrative of the history, jurisprudence, literature, institutions, language, manners, customs, and superstitions of those periods.

In the meantime, it has been arranged, that the Part to be first published, shall consist of a portion of the many interesting and important proceedings and Trials which occurred during the reign of KING JAMES VI.; and, after that Volume is concluded, Selections from the earlier portion of the Record will next be printed. By adopting this order of publication, an opportunity will be afforded, for more minutely investigating and illustrating the most ancient volumes of the Record; and, if the Collection be favourably received, and other circumstances permit, it is in contemplation to extend it to the commencement of the last Reign. Copious INDICES, Tables of the Justiciars of Scotland, a Glossary of obscure Law terms, and an Appendix containing illustrations, selected from the Records of Privy Council, the Privy Seal, and the Treasurer's Books of Scotland, and from other original documents, will accompany or be interspersed with the Collection.

It is proposed, that this work shall be published in Parts, consisting of not less than the third part of a Volume each, as speedily as may be consistent with strict accuracy, and with the Editor's professional engagements. The impression, which is to be limited, will be executed by Messrs Ballantyne & Company, in their best manner, from a new fount of types, upon paper manufactured expressly for the use of this work, by Messrs Dickinson & Company of London.

The First Part will be ready for delivery to Subscribers, early in the month of May next. Such progress has been made by the Editor in arranging the materials collected by him during a period of several years, that the remaining Parts will be published at regular intervals, until the Collection is completed.

The price of each Part, which shall contain two hundred pages of letter-press, not to exceed Fifteen shillings to Subscribers.

Subscriptions will be received by the Publishers, William Tait, 78, Prince's Street, and John Stevenson, 87, Prince's Street, to either of whom, or any of the Booksellers in Edinburgh, London, and Dublin, and in the principal towns throughout the United Kingdom, the names of Subscribers are requested to be forwarded, as early as convenient, so as to regulate the extent of the impression.

General Register House,
31*st March*, 1829.

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In presenting to the Public the First Part of the ensuing Collection of Criminal Trials, the Editor begs leave to acknowledge, with gratitude, the distinguished encouragement with which he has been honoured, from the first outset of the work, and without which he could not have persevered in so laborious a task, with any degree of satisfaction or confidence.

The compilation of this work was projected for the purpose of giving publicity to the most important portions of the Ancient Records of the Supreme Criminal Tribunal of Scotland, and of placing beyond the risk of destruction, the most interesting of the *Causes Celebres* of that Court; materials of great value alike to the historian and the lawyer, and possessing no ordinary attractions for almost every class of readers. It therefore becomes necessary that all such Selections be exhibited with scrupulous accuracy and fidelity, which alone can stamp authenticity and value on any publication of this description.

To account for the apparent meagreness of the Part now published, it may be stated, that many of the public Records of Scotland during the minority of King James VI. are imperfect, and have perhaps been wilfully destroyed; for, besides the disturbed state of the country, and other obvious causes, which might satisfactorily account for the loss of volumes of Registers, there is but too good reason to conjecture, that portions of the National Records were, in some instances, purposely suppressed by one or other of the prevailing factions. This circumstance has induced the Editor to be more copious in his extracts than he would otherwise have been; as every gleaning may elucidate some historical point, or illustrate some features of national character, customs and manners, hitherto but imperfectly known.

At this period, the original 'Books of Adjournal,' properly so called, must have been carelessly kept; and the Clerk has recorded the proceedings of the Court in a very brief and unsatisfactory manner. In many instances, the 'Minute Books' alone have been preserved, from which the proper Record of the Court was usually framed, aided by the 'Dittays,' evidence of witnesses, and other productions. To the Editor it therefore seemed imperative to preserve all notices of any importance, even though they should be brief. The subsequent portions of the Record are much more perfect, and they greatly increase in interest as it advances.

With regard to the antiquity of the language, which must at first sight prove somewhat embarrassing, it may be remarked, that after the accession of King James VI. to the English Crown, it gradually assimilates itself to the dialect then used in England. In no case has the ancient orthography been altered, with the exception of the contractions, the retaining of which would have been useless, as well as extremely perplexing to a general reader.

The earliest existing Record of Justiciary, during the minority of King James VI., is preceded by this curious memorandum: '*Nota.* Fra the hinderend of Auguſt, 1568, to the ſecund day of Marche, in the ſamin yeir, na Dyettis of Juſticiarie haldin, be reſſoun of the peſt and Regentis being in Inglande.'

General Register House,
1*st May*, 1829.

THE EDITOR has been enabled to offer to the Public, the SECOND PART of the Criminal Trials, which occurred before the High Court of Justiciary, during the Reign of King James VI., sooner than he had anticipated; and it is hoped, that this *Livraison* will prove greatly superior, in interest, to the Part already published, which embraces merely the earlier and more defective portion of the Records, in that King's minority.

After this time, the proceedings of the Supreme Criminal Tribunal of Scotland merely begin to assume a more regular form, and the Record to exhibit a pretty accurate abstract of the objections to the relevancy of the Indictments, and to mark many of the other peculiarities observable in the forms and pleadings before this Court.

It is proper to notice here, that it has been the settled plan of the present Collection, to give a scrupulously faithful view of the whole of the proceedings which took place in each of the Cases selected, in the precise form in which these occur in the Books of Adjournal; excepting in various minute particulars, indispensably necessary to be adopted, for the sake of unity and of more lucid arrangement. No modern 'Reports,' it is conceived, however accurately they might be framed, could convey, whether to the Lawyer or the general enquirer, so clearly and so forcibly, the many peculiarities which are connected with these ancient proceedings; and at the same time indicate the gradual steps, by which our present system and forms have been modelled. When these are very prolix or uninteresting, they shall no doubt be curtailed; but this shall be done with a

sparing hand, and in such a manner, as clearly to point out each of such departures from the Record.

Owing to an embarrassing *hiatus* in 'the Books of Adjournal,' arising through the loss of at least one large Volume of the Records of the Court of Justiciary, (from October 1591 to May 1596,) the Editor deemed it incumbent on him, to make pretty extensive researches into other Public Records of Scotland, of the same period. But, perhaps, in his anxiety to render this Collection as perfect as his opportunities and ability permit, he may have incurred the censure of some, whose pursuits do not usually lead them into such investigations. He trusts, however, that the space occupied by these illustrations of National History will not be grudged, and that the extracts he has made may be generally acceptable.

At the suggestion of some of his friends, the Editor has prepared, in illustration of this and the former Part, a Fac-simile plate, containing a few exact specimens of the MSS. from which the present Selections have been formed. Should these be generally considered as interesting, occasional Fac-similes of Royal Letters, &c. will be delivered, with each succeeding Fasciculus of this work.

General Register House,
1*st July*, 1829.

SINCE the publication of the former Part of this work, the Editor has arranged and greatly enlarged a Collection of Original Papers, formed by him during the last two years, illustrative of the mysterious and hitherto inexplicable History of the CONSPIRACY of JOHN EARL OF GOWRIE and his brother, against King James VI.; which will be found to embrace a body of valuable and authentic information, on every point connected with the transaction; and a great portion of which is entirely new to the public, having been recovered from numerous Records, contemporary MSS. and similar original sources.

So much has been written, and conjectured, on that remarkable event, that, in presenting to the public, for the first time, correct transcripts of the various Criminal proceedings which were instituted after the Conspiracy, it appeared to be the duty of the Editor, to accompany them with a Collection of such authentic Documents as are still preserved; and for that purpose, to use every exertion, in investigating the public Records, and all the repositories of MSS. to which he had access. The result has been highly satisfactory; and it is hoped, that, from the discoveries now made, unquestionable materials are provided for elucidating this hitherto dark passage of Scottish History.

The Editor is of opinion, that the publication of these Papers, in their original form, is more in unison with the spirit of the present work, than had he drawn up a fresh Narrative or Dissertation, accompanied by proofs and illustrations. He has accordingly adopted this plan, so as to leave the reader to draw the obvious conclusion from the evidence now afforded. In every instance, the sources from which each of the Papers has been procured are carefully noted; as it is essential, in matters of historical importance, to observe the minutest accuracy.

A concise and popular Account of Gowrie's Conspiracy has recently been published, in Constable's Miscellany, Vol. XLIII., by the Reverend MR PARKER

LAWSON, M.A.; to which reference may be made for a clear outline and detail of the leading facts. The reader will also find much valuable information in MR MORISON'S ingenious and able paper, in the Transactions of the Literary and Antiquarian Society of Perth; where he has incontestably proved the reality of the Conspiracy against King James VI., even from the facts then published; having brought to the examination of the subject an impartial and unbiassed mind, with a perfect knowledge of the localities of the scene. The Editor would particularly refer the enquirer to Mr Morison's 'Summary of the Evidence on the Gowrie Conspiracy, with Plans of Gowrie House,' as a valuable companion in examining the history of this remarkable event.

The other portions of this Number will, it is hoped, be found superior in interest to the preceding Parts.

It was intended that this Part should have been accompanied by a fac-simile Plate of the SIGNATURES of the principal persons mentioned in the History of this Conspiracy, taken from Original Autographs; but circumstances prevent this, until the publication of the next *livraison*. Another Plate, also, containing a fac-simile of the LETTERS of ROBERT LOGAN of Restalrig, recently discovered among the Warrants of Parliament, is in the course of being prepared. Both will be delivered with the ensuing Part, as early in January next as possible.

The Editor has again the pleasure of acknowledging the kindness of CHARLES KIRKPATRICK SHARPE, Esquire, who has liberally presented a curious Engraving, executed by himself, very closely resembling the original Wood-cuts in the curious Tract, reprinted at Part II., page 213, 'NEWES FROM SCOTLAND, declaring the damnable life of Doctor Fian, a notable Sorcerer,' &c. The binder is desired to insert this Plate in Volume I. to face page 213.

GENERAL REGISTER HOUSE,
12th October, 1829.

The Collections relative to the Conspiracy of John Earl of Gowrie, and his brother, are concluded in the present Part. If the Editor has indulged in too copious Illustrations of this very remarkable historical event, he has been led into the error by the discovery of many important original documents, which, as he humbly conceives they tend to establish, beyond a doubt, the truth of this much controverted point of History, he deemed it his duty to present to the public, in this work.

Instead of attempting to sum up the evidence now laid before the Public, taken in connexion with the numerous Histories, Accounts, and Theories, already in print, the Editor leaves it to the reader to draw his own conclusions. He will consider his labours amply repaid, should the future Historian be thereby led to a clearer view of the origin, and progress, of the rash and ill-advised plot of these misguided but highly talented young Noblemen, and of the fatal catastrophe which so speedily overwhelmed them, in the premature execution of their mad attempt.

The natural restlessness, and irritability, of King James, and the very peculiar circumstances in which, on his return to the capital, after the tragical issue of the Conspiracy, he found himself placed, seem to have induced him to endeavour, to the utmost of his power, to counteract the almost unparalleled attempt made by the Ministers of Edinburgh; who greedily availed themselves of this opportunity, to inflame the public mind, and to turn the tide of popular feeling in

favour of GOWRIE, who was universally idolized by the Presbyterian party, as their future leader, against the strenuous efforts then making, by James and the Court, for the permanent restoration of Episcopacy.

The steps taken by the King, for this purpose, were most injudicious; and they certainly proved the very means of spreading the disbelief of the Royal Narrative more widely. To this cause alone, indeed, may be attributed the scepticism which then prevailed, and which has so generally, even down to these times, occupied the public mind. His Majesty's advisers, by indiscreetly attempting to prove too much, and to leave no circumstance unexplained, afforded plausible grounds, for the deepest suspicions of the correctness of the whole statement. James, when too late, found this to be the case, and experienced, to his cost, the sagacity of Domitian's bitter reflection, as recorded by Suetonius, "*conditionem Principum miserrimam aiebat, quibus de Conjuratione comperta non crederetur, NISI OCCISIS!*"

The noted distich, which Calderwood, in his MS. Church History, states to have existed in his times, and which, he says, was painted above an ancient Chimney-piece in the Castle of Ruthven, (now called Hunting Tower), may perhaps be considered as worthy of memory.

VERA DIU LATITANT, SED, LONGO TEMPORIS USU,
EMERGUNT TANDEM QUÆ LATUERE DIU.

A Fac-simile PLATE of the commencement, termination, and subscriptions, of three of the LETTERS of ROBERT LOGAN of RESTALRIG, which occur at Vol. II., page 322, accompanies this Part.

GENERAL REGISTER HOUSE,
25th January, 1830.

THE present PART of this Work will, it is hoped, prove more generally attractive, being of more diversified interest, than any of the preceding portions; and the Editor believes he does not promise too much, when he adds, that the subsequent Parts must equally surpass the present, as well in point of curiosity as in historical importance.

After the accession of King James VI to the English throne, the Judicial proceedings in Scotland were necessarily conducted with greater minuteness, and were recorded with stricter accuracy, than formerly; for the various public functionaries, in every department, were liable to be frequently called upon for full reports of individual Cases; either to gratify his Majesty's craving for whatever was new and curious, or to enable him to judge of the expediency of pardoning or condemning the unhappy persons whose fate must needs be sealed by the unenviable exercise of his royal prerogative. To this circumstance, then, it may perhaps be attributed, that the Records of the Supreme Criminal Tribunal of Scotland, begin to be kept with greater clearness, and their authority and value to be proportionally enhanced.

In Cases of peculiar importance, the Editor has always been anxious to afford all the elucidation within the limited range of his reading and observation, by laying before the reader such illustrations as appeared to him necessary to the better understanding of those Trials; and especially, to put the reader in possession of ORIGINAL and contemporaneous PAPERS, which generally afford the clearest and best explanation of the many remarkable events which so frequently occur in the course of this Work. He trusts that many of the Documents now for the first time presented to the public, from sources not generally accessible, may be deemed worthy the attention of the lover of History.

It is much to be regretted, that the tragical story of the Murder of SIR THOMAS KENNEDY of Culzean, knight, Tutor of Cassillis, &c. by the MURES OF AUCHINDRANE, which is now rendered imperishable by the pen of the greatest living writer, could not be inserted in the present Part, owing to the chronological arrangement of the book. The Editor did not, in the meantime, consider himself at liberty to publish that most extraordinary Trial as a *separate* volume; but, having his materials for PART VI in considerable forwardness, he is ready to publish that *Fasciculus* at a much earlier date than previously notified, should such be the desire of the public.

The present Series of Trials, during the reign of King James VI, will be completed in four additional Parts, making in all nine Parts, or three large Volumes. Owing to the difficulty of collecting the requisite materials, the publication of the leading trials which occurred in the reigns of King James IV, King James V, and Queen Mary, shall be deferred till after Part VIII is circulated. Should the Editor's health, and his professional engagements, then permit, a new Series of Trials, modelled into the shape of Reports, and in a more modern form than the present, will be commenced. The lengthened pleadings, &c. during, and subsequent to, the reign of Charles I, entirely preclude the idea of continuing the work in the *original* form; which, however useful and interesting such a mode of editing a book of this class may prove, during the earlier period of the history and practice of our Criminal Tribunals, would be cumbrous and useless at a more recent date, when there could be no excuse for continuing the obsolete, and now almost forgotten style of these pleadings, which could yield no pleasure, and but little additional information, to the general reader.

GENERAL REGISTER HOUSE,
12*th April*, 1830.

The Editor has the satisfaction of presenting the present Part rather earlier than he had anticipated.

Since the last *Fasciculus* was circulated, he has been favoured with communications from several individuals, who have taken an interest in the progress of this Work, suggesting various improvements; but he is chiefly indebted to the Public Press, for numerous practical hints, of which, in preparing this portion of the Collection, he has amply availed himself.

Amongst other alterations of the original plan, the prefixing of Introductory Notices to leading and remarkable Cases, on a more extended plan than the Editor had at first deemed advisable, has now been adopted. The difficulty of collecting authentic materials for explaining and illustrating such obscure and long-forgotten events, has necessarily occasioned great additional research and expense; and had he not previously made pretty extensive inquiries relative to some of these Trials, and especially, the extremely interesting one of Mure of Auchindrayne, this Part must have been delayed for some months longer.

In what manner these intended improvements have been executed, it does not become the Editor to judge. He sincerely wishes that this very arduous task had fallen into abler hands; but still has the pleasure of reflecting, that he has spared neither time nor labour in his endeavours to make the Work as complete as its proposed limits admit. Those who have had the greatest experience in carrying on researches of this description, will be the readiest to make all liberal and proper allowances, for such unavoidable defects as must be expected to accompany inquiries, in their nature so very extended and obscure.

The very remarkable Case of THE MURES OF AUCHINDRAYNE is one of such interest, that it may perhaps be fairly considered as altogether unparalleled in the annals of crime. That Trial, and the illustrative matter accompanying it, have necessarily occupied a large portion of this *livraison ;* but the Editor hopes it will prove as generally interesting, as the plots and crimes of these extraordinary men are unequalled.

In the course of his researches for elucidating the facts and events attending that Case, (which have been actively prosecuted during the last three years,) the Editor fortunately discovered, among the valuable MSS. belonging to the Faculty of Advocates, Edinburgh, an HISTORICAL and GENEALOGICAL ACCOUNT of the principal Families of THE NAME OF KENNEDY. This History illustrates, not only the lives and characters of the actors in that shocking tragedy, but the deadly FEUDS then prevalent in CARRICK, to an extent which could scarcely have been anticipated. Had the information to be obtained from these singular Memoirs been made use of in this Collection, it would have encroached too much upon the limits now assigned to it, and caused the suppression of other interesting Trials. The Editor therefore has, by the liberal permission of the Curators of the Advocates' Library, preferred publishing THE HISTORY OF THE KENNEDIES as a separate work;—and, with this view, has, for a considerable time past, been engaged in preparing it. A limited impression only has been struck off; and it is expected to be completed before the first of August next.

It is trusted, that, upon the whole, this PART will be found much more generally attractive than any of the preceding; as it abounds in historical incidents, and in Trials of deep and universal interest.

GENERAL REGISTER HOUSE,
19*th July*, 1830.

In the period embraced by the present Part, the principal Trials, of peculiar interest, which occurred before the High Court of Justiciary, were those against the Roman Catholics and Jesuits, for hearing and celebration of the Mass, for maintaining the Supremacy of the Pope, for declining the King's authority, and for devising treasonable Plots against the person of his Majesty, &c.

The Rebellion of the Earl of Orkney, and his son, also occupied a prominent portion of the Criminal proceedings during this time; and the Editor has amassed a considerable collection of historical materials, illustrative of that remarkable treason; all of which are now, for the first time, laid before the public, being taken from original and authentic documents.

Another Rebellion in the Western Islands of Scotland was likewise suppressed within this time, relative to which the reader will also find that suitable illustrations have been given.

Besides these leading Trials, a number of very remarkable Cases occur in this Part for Murder, Fire-raising, Perjury, Slaughter and Houghing of Oxen and Sheep, &c., Piracy, Incest, Oppression, Witchcraft, Poisoning, Subornation of Witnesses, Uttering 'treasonable, blasphemous, and damnable speeches' against the King, Fire-raising in Coal-pits, Hamesucken, Mutilation and Demembration, Egyptians or Gipsies abiding within the realm, &c.

It is trusted that the present Number may be considered as important and interesting as any of those forming the preceding Volumes.

General Register House,
25th October, 1830.

THE present PART closes this COLLECTION of the leading TRIALS which occurred before THE HIGH COURT OF JUSTICIARY, during the eventful reign of KING JAMES VI.

PART VIII. contains numerous Cases of considerable interest and novelty, and throws much light on various public transactions, and also on many of the private occurrences of the period immediately preceding the demise of that monarch. There are, however, so many remarkable Trials contained in it, that it would encroach too much on the limits of a brief notice, to recapitulate a few of the leading Cases.

Having collected a great mass of materials, in the course of preparing the present work for publication, the Editor has selected from them a number of ORIGINAL PAPERS, believing that they would be esteemed a suitable accompaniment to this concluding Volume. He has, therefore, printed them in an APPENDIX, which will be found materially to illustrate many of the preceding Trials. Among others, he has been so fortunate as to have discovered the only documents which remained to clear up the extraordinary Trial of MR THOMAS ROSS, a poor Clergyman of a very respectable family, but a maniac, who was mercilessly put to death, under form of Law, by the special warrant of King James VI, for *writing* a Pasquil against the Scottish Nation. This pasquinade, it may here be remarked, was neither printed nor in anywise circulated by the author, but was simply affixed to the door of St Mary's Church, Oxford; from which it was almost instantly taken down by a student, and delivered to the Vice Chancellor, who transmitted it, without delay, to Court.

The remainder of the APPENDIX will be delivered with the INTRODUCTORY PART, which embraces the Criminal procedure during the reigns of KING JAMES IV, KING JAMES V, and QUEEN MARY.

The Editor does not, at present, expect to finish that arduous undertaking until the month of November or December, 1831. It is his intention to prepare accurate Indexes, which will be delivered, along with Title-pages, &c. for the whole work. When concluded, the Collection will form THREE large VOLUMES.

In reply to several enquiries, the Editor begs to notify, that he purposes to close this COLLECTION OF TRIALS with PART IX.

GENERAL REGISTER HOUSE,
15*th December*, 1830.

SINCE the publication of the EIGHTH PART of this Collection, about the close of last year, the Editor has again carefully examined the entire Books and Papers of the High Court of Justiciary, from the earliest existing Criminal Records, in the reign of KING JAMES IV, down to the conclusion of the reign of MARY QUEEN OF SCOTS.

Although the first view of these documents presented a most discouraging aspect, the Editor deemed it to be an imperative duty, not only to scrutinize every vestige of information to be obtained from them, but to undertake a very extensive and laborious examination of all the contemporary Records and other ancient MSS. which might be expected to illustrate so interesting a portion of the public and domestic History of this country.

The meagreness and imperfection of the historical materials of this eventful period of eighty years, so far as they have hitherto been laid before the public, are universally acknowledged. Every attempt therefore, however feeble, which tends to throw additional light on the Annals of Scotland, during these three remarkable reigns, must be considered of more or less importance, according to the authenticity and genuineness of the sources from whence the information has been procured, and the fidelity with which it is communicated.

In the prosecution of this humble, though extremely laborious and responsible task, the reader will find that the Editor has strictly adhered to the plan which he originally proposed, by communicating the result of these researches in the precise form in which the various entries are made in the Public Records.

Owing to the importance of the additional historical materials which have been discovered by the Editor, in the prosecution of these minute researches, he found it to be impracticable, consistently with his duty to the public, to condense the whole of these three reigns within the narrow compass of one PART, without at the same time entirely suppressing a great mass of valuable matter. Had he rashly adopted such a resolution, the present Collection would have been extremely imperfect and unsatisfactory, at those very periods, where, chiefly, a store of authentic and indisputable facts, drawn from the Public Records of the country, still remained to be greatly desiderated.

The concluding portion of the TRIALS which occurred during the reign of KING JAMES V, and those of the eventful reign of MARY QUEEN OF SCOTS, together with historical APPENDICES, a copious INDEX, &c., will be contained in a SUPPLEMENTARY PART. As the work is in a state of forwardness at press, it is expected that the SUPPLEMENT will be ready for publication in the month of February next, which will close the present arduous undertaking.

GENERAL REGISTER HOUSE,
1*st November*, 1831.

THE concluding portion of the present COLLECTION has occupied the anxious attention of the Editor, for a period of above twelve months beyond the time he had been led to anticipate, when the NINTH PART was published.

Fortunately, the Editor had, during the progress of this WORK, amassed a great variety of materials from authentic sources, illustrative of many important events connected with the history of the reigns of KING JAMES V. and MARY QUEEN OF SCOTS; which eventually have proved of much use, in elucidating the Criminal proceedings of these reigns. Besides availing himself of these, however, he found it necessary to consult many of the public Records, the MSS. in the Library of the Faculty of Advocates, and other Collections of original documents, which required a considerable expenditure of time, besides much minute, laborious, and persevering research.

The result of these investigations is now laid before the Public; and it is perhaps not too much for the Editor to hope, that, in the view of rendering this work as complete as possible, the Subscribers may concur with him in thinking, that the additional time, thus expended, has not been altogether unprofitably employed.

In fulfilment of the proposal made at the commencement of this arduous undertaking, a very copious and elaborate GENERAL INDEX is now given along with this Part, which will be found to comprehend all that is practically useful to those who are likely to consult this Collection, whether for general reading and information, or for purposes of legal, historical, antiquarian, or genealogical investigation.

Owing to the interest excited by the large Collections made by the Editor, and the body of evidence which has been published in some of the former Parts of this work, in reference to GOWRY'S CONSPIRACY, he has deemed it his duty to render the whole still clearer and more generally acceptable, by endeavouring to procure accurate Plans of the scene of that remarkable transaction. This he has fortunately been able successfully to accomplish, and that, too, from the most authentic source of information; as his friend MR DAVID MORISON, Secretary to the Literary and Antiquarian Society of Perth, had occasion, a few years ago,

to get drawings and ground-plans made, from surveys and sketches taken on the spot, previous to the pulling down of Gowry House, in the year 1807, to make way for the Prison and County Buildings, in Perth. These Plans accompany Mr Morison's ingenious Dissertation, which has been published in that Society's Transactions. The ultimate views of THE RUTHVENS and their associates, in embarking in so hazardous a plot, will likely for ever remain as inexplicable a mystery as hitherto: but whatever may be considered by the future historian to have been the probable schemes of these rash youths, it is perhaps not arrogating too much to affirm, that the field of enquiry may now be considered as greatly narrowed; and that the circumstances, as well as the truth and reality of that Conspiracy, may henceforth be considered as matters of historical certainty.

To the politeness of FRANCIS GRANT, Esquire, S.A., the Editor is indebted for the use of the accompanying valuable engraving of GOWRY HOUSE, which was carefully prepared, under his own inspection, from the only authentic sketch of that memorable place which is known to exist.

With regard to the contents of this SUPPLEMENTARY PART, there will be found, in addition to many curious and valuable Trials of a miscellaneous description, a considerable accession of original historical materials, illustrative of the progress of THE REFORMATION OF RELIGION IN SCOTLAND; a very important APPENDIX to the reign of KING JAMES V., compiled with the strictest care from the valuable Records of the Privy Seal, and the Accounts of the Lord High Treasurer of Scotland; proceedings against the PAPISTS, JESUITS, &c.; and numerous original and interesting Documents relative to the Murders of DAVID RICCIO and KING HENRY DARNLEY, &c., many of which are now for the first time laid before the public.

Owing to the manner originally adopted in publishing this work, it has been found necessary to divide the FIRST VOLUME into TWO PARTS. Particular directions for the Binder are printed on the back of the prefixed Title, to prevent the possibility of mistakes being committed in the arrangement of the Book into separate Volumes.

GENERAL REGISTER HOUSE,
25th March, 1833.

CRIMINAL TRIALS

AND OTHER PROCEEDINGS BEFORE THE HIGH COURT OF JUSTICIARY.

THE earliest Volumes of the Criminal Records of Scotland, now extant, are the two ancient MSS. still preserved in the Library of the Faculty of Advocates, Edinburgh. It is probable they had been acquired by the Curators of that excellent institution, by purchase, at the sale of some Collector of the last century, into whose possession they must have found their way by very improper means, at a period when such documents were considered of no importance.

Although these Volumes chiefly consist of the proceedings of the Justice-aires of Lauder, Jedburgh, Selkirk, Peebles, Edinburgh, Dumfries, Kirkcudbright, Air, and Wigton, yet as they abound in numerous particulars, highly illustrative of the history, manners, and habits of those portions of Scotland during the reign of KING JAMES IV, the Editor has considered it necessary to give at large every remarkable Case which occurs in them.

It may be noticed here, once for all, that the Books of Adjournal and Minute Books of the Supreme Criminal Tribunal of Scotland, as well as the Records of the Justice-aires, &c. at these remote periods, were kept in an obscure forensic Latin. This circumstance, added to the well-known difficulty of deciphering the ordinary MSS. of these centuries, and the fact of the Books now preserved being generally mere scrolls and *memoranda*, written with many contractions, and evidently during the hurry of the Court proceedings, have hitherto rendered the task of examining them, and presenting the public with the more important cases, a labour of a peculiarly irksome and repulsive kind. Fortunately, however, entries have in many instances been made in the forcible vernacular of the period, and original Warrants and Letters have also been recorded, or have been found, after diligent search, among the loose papers belonging to the Court. Many of these are alike curious as specimens of our language, and valuable as historical documents.

After deliberate consideration, it has been deemed proper, and most likely to be acceptable to the great bulk of readers, to give a close technical translation[1] of such portions of the Records as are conceived in Latin, excepting where very remarkable phrases or terms are made use of; but in all such cases the original expressions are given in foot-notes. In every instance, where the vernacular is employed, or where quotations are necessarily given, the same scrupulous fidelity has been observed as in the subsequent parts of this work.

In Parliamento excellentissimi Principis ac domini nostri metuendissimi domini JACOBI IV *Dei gracia Regis Scotorum Illustrissimi, tento et inchoato apud Edinburghe, die Lune sexto die mensis Octobris, anno domini* 1488. *Per Commissarios subscript. viz.* COLINUM COMITEM *de Ergile, Dominum Campbele et Lorne, Cancellarium Scocie;* PATRICIUM DOMINUM HALIS, *Magistrum Hospicij supremi domini nostri Regis;* ROBERTUM DOMINUM LILE, *Magnum Justiciarium Scocie;* ALEXANDRUM HUME *de eodem Magnum Camerarium Scocie;* WILLELMUM KNOLLIS *Preceptorem de Torfichin, Thesaurarium, militem, et multos alios Commissarios in hac parte.*

High Treason — Intercommuning with the English, &c. — Fighting against the King at 'the Field of Stirling.'

[IN consequence of the loss of the early Volumes of the Books of Adjournal, it becomes necessary, in order to render the present Collection as complete as possible, to investigate from other authentic sources the proceedings which took place immediately after the accession of KING JAMES IV. Fortunately the Records of Parliament, of the Great and Privy Seals, and the Books of the High Treasurer of Scotland, afford some notices of the steps which were taken against the partisans of the deceased KING JAMES III. These shall be given here at length; but as the leading circumstances connected with them must of course be minutely discussed in Mr TYTLER's correct and impartial History of Scotland, it is only further necessary to lay before the reader such documents as do not fall within the plan of that learned gentleman's truly valuable work.

JAMES STEWART *first* EARL OF BUCHAN, whose *sobriquet* was *Hearty* JAMES, was the brother uterine of KING JAMES II. He married Margaret, the heiress of Sir Alexander Ogilvy of Auchterhouse, by whom he got that barony and the heritable sheriffship of the county of Forfar. On the fall of Lord Boyd, in 1471, he was made Lord High Chamberlain of Scotland; and, in 1473, went as ambassador to France. He was made Warden of the East Marches on his return. Having participated in 'the Field of Stirling,' he became obnoxious to the vengeance of the successful party; but he had the good policy to submit and sue for his Majesty's clemency, which he obtained, and was received into his favour. Although he was subsequently charged with having entered into a conspiracy with John Ramsay, Lord Bothwell, and Sir Thomas Tod, in 1491, to deliver his Prince into the hands of KING HENRY VIII, the circumstance is rather unlikely, for he was no party to the Inden-

[1] Proper names and untranslated words are uniformly given in the same form as in the Record.

ture.[1] It rather seems to have been a *ruse* on their part, to induce Henry to give credit to their plot, and to advance the money required by them. This nobleman died before Feb. 6, 1499-1500, when his son is styled Alexander Earl of Buchan.[2]

Owing to the historical importance of this and the following cases, they are given here in their original form, divested only of the usual contractions, which are extremely perplexing to an ordinary reader.]

Oct. 6.—Quo die, Jacobo comite Buchanie ſepe vocato, per ſummonicionem regiam et tenorem eiuſdem ſub teſtimonio Magni Sigilli regii deſuper directam ad reſpondend. dicto domino noſtro Regi, in preſenti Parliamento, ſuper certis proditoriis actionibus in dicta ſummonicione contentis, et per tenorem eiuſdem: Quo Jacobo Comite Buchanie, ſic ſepe vocat. et non comparente, dominj commiſſarij continuarunt dictam cauſam ſummonicionis ad craſtinum, ad decimam horam cum continuacione dierum, in eadem forma et effectu ut nunc eſt, abſque preiudicio parcium.[3]

Oct. 7.—Continuatur ad craſtinum, ut ſupra.

[*Coram nobilibus Dominis* Colino Comite de Ergile, *Domino Campbele et Lorne, Cancellario Scocie,* Laurencio Domino Oliphant, Johanne Domino Drummond, Roberto Domino Lile, Andrea Domino Gray *et* Johanne Domino Glammis, *Commiſſionariis Parliamenti et Juſticiariis, &c.*]

Oct. 8, (*die Mercurii.*)—Continuatur ad craſtinum, in eadem forma ut nunc eſt, abſque preiudicio partium.

[*Per ſupremum dominum noſtrum* Regem *in propria perſona.*]

Oct. 9, (*die Jouis.*)—Quo die, Jacobus Comes Buchanie cepit ſe ad Remiſſionem dominj noſtri Regis ante dicti, pro proditorio aggreſſu in regnum Anglie Regi eiuſdem: Ac pro proditoriis communicatione et laboracione cum prefato Rege Anglie, pro importacione certorum Anglicorum ad diſtructionem regni et ligiorum Scocie, et pro inſtigacione et cauſacione dicti Regis Anglie in propria perſona cum ſuis armis et copia virorum in regnum Scocie aduenisse: Et pro proditoriis arte parte et conſilio datis et exhibitis Andree Epiſcopo Morauien., Alexandro Domino Forbes, Johanni Domino Bothuile, Johanni Roſs de Montgrenane, Johanni Murray de Tuchadam, Stephino Lokart de Cleghorne, et Jacobo Hommill ſciſſori, in Fabricacione commiſſionis et certorum Munimentorum Regi Anglie per Johannem Dominum Bothuile et Henricum Wyot Anglicanum delatorum, ad frangend. pacem et treugas per quondam patrem ſupremi dominj noſtri Regis et Parliamentum et Regem Anglie unitas,

[1] See Notice prefixed to the Forfeiture of Lord Bothwell, Oct. 9, 1488. [2] The following characteristic entry occurs in the High Treasurer's accounts:—1502-3, Feb. 17. 'Item to ye King to put in þe caudil, at the heving of Erle of Buquhanis fone, xiiij ſ.' It is probable that the King had become god-father or sponsor for the child. [3] At the second diet the King is present in person, with a great concourse of Lords spiritual and temporal. See *Acta Parl.* II. 199, &c.

contra commune bonum et rem publicam, et perpetuam diſtructionem regni: Virtute cuius, guerra ſuper vna parte regni erat proclamata, et diuerſi ligei illius partis depauperati, depredati, occiſi et inſendium paſſi ſunt: Et ad perpetuam ſubieccionem corone regni Scocie obediencie et ligeancie Regis Anglie: Et pro proditoriis arte et parte, conſilio et aſſiſtencia datis et exhibitis dictis perſonis, in Fabricacione cuinſdam Commiſſionis, et eiuſdem miſſione Comitj Northumbrie, et Domino Willelmo Tildar, Anglicano, militi, continen. quod ipſi virtute dicte Commiſſionis et poteſtatis conſilio ſuo eis miſſ. et direct. Remiſſiones omnibus Scotis partem Anglicorum contra ſupremum dominum noſtrum Regem et fideles ligeos ſuos capientibus: Et pro proditoriis arte, parte, conſilio et aſſiſtencia datis et exhibitis dictis perſonis, in miſſione et deſtinacione Johannis Domini Bothuile diuerſis vicibus ad Regem Anglie, ad diſtruccionem et perpetuam ſubieccionem Corone regni Scocie ligeancie et obediencie dicti Regis Anglie: Et pro proditoriis arte, parte, conſilio et aſſiſtencia datis et exhibitis Johanni Roſs de Halkhede, militi, Johanni Roſs de Montgrenane, et Stephino Lokkart de Cleghorne, et Thome Fothringham de Powre, in extraportacione dicti quondam patris ſupremi domini noſtri Regis, cum armis et copiis virorum, apud Blaknes, pro diſtruccione ſupremi domini noſtri Regis et Dominorum eidem adheren. Attento quod dictus ſupremus dominus noſter Rex eo tempore, prout omni alio, extitit paratus perimplere optulit per ipſum dicto domino noſtro Regi, tunc Principi, miſſa, promiſſa et ſubſcripcione eius manuali ſubſcript. conſilio eius fractis, proruptis et ſpretis; quamobrem Comites de Huntle, Erole, Marſchell, et Dominus de Glammis eum dictum Jacobum et eius opinionem reliquerunt, et ad loca propria redderunt: Et pro proditoriis arte, parte, conſilio et aſſiſtencia datis et exhibitis dictis perſonis, in preparamento et araymento campi bellici contra dictum ſupremum dominum noſtrum Regem, apud Blaknes, in quo nouiter appunctuatum extitit et pro complicione prius promiſſorum, dictus Jacobus Comes Buchanie, Willelmus Dominus Rothuen, Thomas Fothringhame de Powry, Willelmus Murray de Tulybardin dabantur fideiuſſores.

High Treason — Fighting against the King at 'the Field of Stirling,' &c.

[Sir John Ramsay, (of Balmain, Traringeane, &c.) Lord Bothwell, was the only one of the favourites of King James III who escaped being put to death at the fatal affair of Lauder, in July 1482, by clinging closely to the King's person, and leaping behind him on his horse. He had been repeatedly Ambassador to the Court of England; and ultimately fell a victim to his personal attachment to his sovereign. Immediately after his forfeiture, the whole of his estates were conferred on Patrick Lord Hales, who was a few days afterwards created Earl of Bothwell, Oct. 17, 1488. The forfeited Lord fled to England, where he appears to have occupied himself in planning a fatal scheme of revenge against King James IV; while he at the same time expected to obtain the favour of the English King, and again to rise to still more distinguished eminence.

On April 16 and 17, 1491, Indentures were entered into between King Henry VII of England and 'John Lord Bothuell and Sir Thomas Tod, ('of Serefchaw,') knight, of the realm of Scotland, as well for and in name of theimfelve and alfs of dyvers other named in the faid Indentures on the other pairtie,' declaring that 'the right honourable Lord James Erle of Boughan,[1] and the faid Sir Thomas, fhall take, bringe, and delyver into the faid King of Englandis handes the King of Scottis now reyning, and his brother the Duke of Roos, or at the lefte the faid King of Scotland.' King Henry agreed to lend to the faid Sir Thomas, as well for the Earl of Buchan as for himself, L.266, 13s. 4d. Sterling, to be repaid before Michaelmas next; and Sir Thomas to leave his son and heir in pledge, for the sure fulfilment of their engagements. This remarkable document was signed at Greenwich, Apr. 17, 1491.[2]—*Rymer's Fœdera*, XII. 440.

That infamous project, however, they were unable to perpetrate. Through the influence of King Henry, no doubt, and James's generous and forgiving disposition, he got leave to return to Scotland, where he was afterwards known as Sir John Ramsay of Trarinzeane. Even then, his perfidious spirit was not subdued by the lenity shown him; for Mr Pinkerton gives two Letters from him to Henry VII,[3] dated Sept. 8 and . . 1496, in which he subscribes himself 'Jhone L. Bothvalle,' giving a minute detail of the Scottish King's proceedings relative to Perkin Warbeck, &c. He acted the part of a spy to Henry VII, with so much cunning as to deceive the Scottish King and his Court; and on Apr. 18, 1497, he at length obtained a formal Remission and Letters of Rehabilitation, under the Great Seal.[4] His title and estates, however, were never restored to him. Notwithstanding all this perfidy, he had the address to get Charters to a variety of lands in Forfarshire, Ayrshire, Wigton, and Kincardine; and on May 13, 1510, he had a Charter erecting them into a free Barony called Balmain. He died anno 1513.

There seems little else worthy of notice regarding this ungrateful courtier. The Summons of course gives a false colouring to the original facts, by representing all the transactions of the late King's adherents as Treason, whereas, it is obvious, that Treason was alone justly chargeable against the Prince and his followers.]

(Oct. 9.[5])—Eodem die comparuit in judicio Carrik Signifer, vicecomes in hac parte, et prefentauit quandam Summonicionem regiam fub teftimonio Magni Sigilli regii fibi direct. fuper fummonicione Johannis Domini Bothuile coram prefato domino noftro Rege et tribus regni fui Statubus ibidem congregatis; cuius Summonicionis tenor fequitur et eft talis.

Summonicio Forisfacture Johannis Domini Bothuile.

Jacobus Dei gratia Rex Scotorum. Vicecomiti et balliuis fuis de Lanark, necnon Lyone Regi Armorum, Rothiffay, Roffe, Snawdoune, Marchmond, Heraldis; Vnicorne, Ormonde, Carrik, Bute, Montrofe, Signiferis; Hectori Meldrum, Willelmo Campbele, Clauigeris; Symoni Sperdour, Johanni Keyre, Donaldo Malynny, et Georgeo Schaw, Curforibus, et eorum cuilibet, coniunctim et diuifim, vicecomitibus noftris in hac parte, falutem. Mandamus vobis et precipimus quatenus fummoneatis, legittime et peremptorie, coram teftibus, Johannem

[1] Buchan. See Notice to Oct. 6, 1488. [2] A curious and interesting instance of James's piety and forgiving spirit may be seen from the *Lord High Treasurer's* Books:—Feb. 22, 1505-6. 'Item to ye Kingis offerand to Sir Thomas Toddis faulis firft mes (Mass) xlij f.' It is likely from this notice that Todd had only died recently before that date. [3] *Mus. Britt.* Vespasian, c. xvi. pp. 152 and 154. *Pinkerton's Hist.* II. 438, 442. [4] *Reg. Mag. Sig.* XIII. 218. See also same Record, XIII. 352, 353, 419, and XV. 200. [5] Continued from Oct. 8.

Dominum Bothuile, perſonaliter apprehenſum, ſi eius preſenciam commode habere poteritis, alioquin apud Caſtrum de Bothuile, et ad crucem fori burgi noſtri de Lanark, per publicam proclamacionem, ita quod huius ſummonicio ad eius noticiam vereſimiliter peruenire poterit; quod compareat perſonaliter coram nobis in noſtro proximo Parliamento, tenendo apud Edinburghe, die Mercurij, octauo die menſis Octobris proxime futuro, cum continuacione dierum, ad reſpondend. nobis, in prefato noſtro Parliamento, pro proditoriis ſeductione et ductione quondam Jacobi (III) Regis Scotorum, patris noſtri defuncti, contra commune bonum rempublicam et Regni noſtri, faciendo eum opprimere ſuos Prelatos, Barones, burgenſes et ligeos, per communem vendicionem et empcionem Juſticie, ad eorum finalem diſtructionem; vigore cuius, mercatores alienigine, ad regnum noſtrum aduenien. erant omnino diſtructi et depredati, ſic quod nulli al(ieni?) pro refectione regni non audebant dictum regnum intrare: Ac pro proditoriis arte, parte, conſilio et aſſiſtencia datis et exhibitis Jacobo Comiti Buchanie, in proditoriis aggreſſu et paſſagio in regno Anglie: Et pro proditoriis communicacione et laboracione cum prefato Rege Anglie, pro importacione certorum Anglicorum ad diſtructionem regni noſtri et legiorum noſtrorum: Et pro proditorie arte et parte cum dicta Comite Buchanie, in cauſacione et inſtigacione dicti Regis Anglie, in quantum in eo fuit, ad intrand. dictum regnum noſtrum, in propria perſona, cum armis et copia virorum, pro diſtructione noſtra et ligeorum noſtrorum: Ac pro proditoriis ingreſſu et paſſagio in Anglia, per ipſum Johannem factis, diuerſis vicibus: Et pro proditoriis arte, parte, conſilio et aſſiſtencia datis et exhibitis Andree Episcopo Morauien., Jacobo Comiti Buchanie, Alexandro Domino Forbes, in Fabricacione cuiuſdam Commiſſionis et certorum Munimentorum Regi Anglie, per vos Johannem et Henricum Wyot, *Anglicanum*, delatorum, ad infringend. pacem et treugas per dictum quondam patrem noſtrum et Parliamentum eius et Regem Anglie initas, contra commune bonum et rem publicam, et ad perpetuam diſtructionem regni; virtute cuius, guerra ſuper vna parte regni noſtri proclamata, et diuerſi ligei illius partis depredati, occiſi, et incendium paſſi ſunt: Et pro proditoriis delacione dicte Commiſſionis et Munimentorum ad Regem Anglie, ad perpetuam ſubiectionem regni noſtri obediencie Regis Anglie: Et pro proditoriis arte, parte et conſilio Fabricacionis cuiuſdam Commiſſionis, et eiuſdem miſſionis Comiti Northumbrie et Domino Willelmo Tyldare, *Anglicano*, militi, continen. quod ipſi virtute dicte Commiſſionis et poteſtatis darent Remiſſiones omnibus Scotis partem Anglicorum contra nos et fideles legios noſtros capientibus: Et pro proditoriis arte, parte, et conſilio datis et exhibitis dictis perſonis, in cauſando dictum quondam patrem noſtrum diuerſa Appunctuamenta et Concordias, ſubſcriptione manuali dicti quondam patris noſtri ſubſcript., nobis tunc

Principi, pro communi pace et tranquillitate regni premiſſ. frangere et ab eiſdem reſilire, que diuerſis vicibus erant promiſſa et per vos et (quemlibet) veſtrum fracta et non obſeruata; racione cuius fractionis, Comites de Huntle, Erole, Marchell et Dominus de Glammis eius opinionem reliquerunt, et ad loca propria acceſſerunt: Et pro proditoriis arte, parte, et conſilio datis et exhibitis dictis perſonis, in conſulendo predictum quondam patrem noſtrum ad exeund. Caſtrum de Edinburghe cum armis et copia virorum, poſt diuerſa Appunctuamenta per ipſum apud Blaknes et alubi condita per ipſum fracta, ad inuadend. nos eius filium, tunc Principem, apud Striuelin: Et ſuper aliis quam pluribus criminibus et proditoriis tranſgreſſionibus per ipſum Johannem contra nos et regnum noſtrum inique perpetratis, juri parend.: Intiman. dicto Johanni, quod ſiue dictis die et loco cum continuacione dierum comparuit ſiue non, nos nichilominus in premiſſis, Juſticia mediante, procedemus: Et preſentes literas debite execut. et indorſaciones earundem reddite latori: Et vos qui preſentes executi fueritis ſitis ibidem dicto die, coram nobis, portan. vobiſcum Summonicionis veſtre teſtimonium in ſcriptis, pro dimiſſis ſeu ipſos teſtes. Ad quod faciendum vobis et veſtrum cuilibet in hac parte, coniunctim et diuiſim, plenariam committimus poteſtatem. Datum ſub teſtimonio Magnj Sigilli noſtri Apud Edinburghe ſecundo die menſis Auguſti, anno regni noſtri primo.

Poſt cuiuſquidem Summonicionis lecturam, idem vicecomes probauit in preſenti Parliamento dictam Summonicionem legittime executam, per indorſacionem ſuam et certos teſtes in eadem indorſacione contentos, in judicio, ad hoc inibi per ipſum productos et juratos, videlicet, Johannem Hamiltoune de Wodhall et Patricium Hammiltoune; cuius indorſacionis ſic eſt tenor.

Indorſaciones ſive Executiones Summonicionis Forisfacture.

The vj day of þe moneth of Auguſt, the ȝere of God J^m^.iiij^c^.lxxxviij ȝeris, I Carrik, Purſewant, perſonaly paſt to the cheif chemis[1] of Bothuile, and þare ſummond Johne Lord Bothuile to compere before our ſouerane lorde, perſonaly, in his Parliament to be haldin at Edinburgh, the viij day of October nixt tocum, with continuacionne of dais, to anſuere to his hienes upone all the poyntis and articlis and crimeȝ of Treſſoune contenit in þir our ſouerane lordis lettrez: Before thir Witnes, Johne of Hammiltoune, Patric of Hammiltoune, Johne Baxtare, and James Echiſtonne. And þane, one the morne, the vij day of Auguſt, I the ſaid Carrik, Purſewant, paſt to þe merkat corſe of Lanark, and þare, be oppin proclamacionne, ſummonde and warnit the ſaid Johne Lord Bothuile to compere, perſonaly, before our ſonerane lorde in his Parliament forſaid, to anſuere to his hienes to all the poyntis, articlis and crimeȝ of Treſſonne contenit in þir our ſonerane lordis lettrez, and eftir þe tenour of þe ſammyn: Before thir Witnes, George Aitkynſoune, Williame Forſter, bailȝeis of Lanark, Thomas Were, and Johne Mowate, with vtheris diuerſe. In witnes hereof I haue ſet to my Signet.

Quo Johanne Domino Bothuile ſepe vocato, vigore predicte Summonicionis et per tenorem eiuſdem, ad reſpondendum dicto domino noſtro Regi, in preſenti Parliamento, ſuper omnibus proditoriis actionibus in dicta Summoni-

[1] Mansion-house, chief dwelling. O. Fr. *cheſmez*, (*chef mez*, i. e. *chef maiſon.*)

cione contentis, et non comparente, legittimo tempore diei expectato, ordine et proceſſu, continuacione dicte Summonicionis, per Dominos, Barones et Burgorum Commiſſarios ſuperſcriptos, hunc uſque juridice procedi, viſis et Intellectis, Colinus Comes de Ergile Dominus Campbele et Lorne, Cancellarius dominj noſtri Regis, et eius nomine, de ſuo expreſſo mandato, requiſiuit et peciit a dictis Dominis, Baronibus et Burgorum Commiſſariis, ſua ſenſiamenta et Decreta Parliamenti, penes proceſſum dicti Johannis Domini Bothuile, ſi ipſe fuit culpabilis in proditoriis accionibus pronominatis in dicta Summonicione contentis: Quibus Dominis, Baronibus et Burgorum Commiſſariis regni ſui ſtatubus deligenter et mature auiſatis inuenerunt, et vnuſquiſque pro ſeipſo deliberauit, quod dictus DOMINUS BOTHUILE fuit culpabilis in omnibus proditoriis actionibus in dicta Summonicione contentis, excepto tempore de Blaknes. Et ideo datum fuit pro judicio ſiue Laudo Foriſſacture, per os Alexandri Dempſtar Judicatoris Parliamenti, in modo et forma ſequen. in wlgari.

Judicium ſive Laudum Foriſfacture.

THIS Court of Parliament ſchewis for law, and I gif for Dome, that fforſamekle as it is fundin be ſenſment of Parliament, that JOHNE LORD BOTHUILE has committ and done Treſſoune agane oure ſouerane lord THE KING and his realme, in all the poyntis and articlis aboune writtin, contenit in the Summondis maid þairappone, except the tyme of the Blaknes: That þairfore he has Forfalt to our ſouerane lord the King his lif, landes,[1] officez, gudis movable and vnmouable, and all vtheris his poſſeſſionis þat he haid within the realme of Scotlande, euermare to remane with oure ſaid ſouerane lord, his airis and ſucceſſouris, for his Treſſoune and offence. And that I gif for DOME.

[*Coram* REGE *perſonaliter ibidem ſedente.*]

High Treason — Field of Stirling, &c.

[JOHN ROOS or ROSS of Mountgreenan was Advocate to JAMES III. Warrant was granted, Jul. 2, 1488, for his apprehension, and he was at the same time summoned for the traiterous pursuit of the Prince (JAMES IV) to beyond the Bridge of Stirling, and for there making Burnings, 'hereſchips,' and slaughters, on Jun. 10, being the day preceding the Battle of Sauchie. The Castle of Keir, to which the Prince had retired, was at the same time burnt by the King's adherents, with the Place of Airth, &c.[2]

There seems to be nothing additional worthy of mention, as to the Lord Advocate's case, excepting that he does not appear to have been restored to the King's confidence. His estates were conferred on Patrick Hume of Fastcastle; and James Henderson of Fordell succeeded to his important office of Lord Advocate.]

Oct. 14, (*die Martis.*)—Quo die[3] comparuit in Judicio CARRIK Signifer, vicecomes in hac parte, et preſentauit quandam Summonicionem regiam, ſub teſ-

[1] On Oct. 14, the Parliament confirmed a grant of the Lordships of Bothuill and Creichtoun to *Patrick Lord Halis,* Master of the Household; and on Oct. 17, they were erected into the Earldom of Bothuill, &c. [2] See *Reg. Mag. Sig.* XII. 64.—*Treaſ. Accounts.* [3] This case had been continued from time to time, from Oct. 8 preceding.

timonio Magnj Sigilli regij ſibi directam, ſuper Summonicione Johannis Ross de Montgrenane, coram prefato domino noſtro Rege et tribus regni ſui ſtatubus ibidem congregatis; cuius Summonicionis tenor ſequitur et eſt talis.

Summonicio Foriſfacture contra Johannem Roſs de Montgrenane.

Jacobus dei gracia Rex Scotorum, Vicecomiti et Balliuis ſuis de Are, necnon Lyonj Regi Armorum, Rothiſſay, Roſſe, Snawdoune, Merchmonde, Heraldis; Vnicorne, Ormonde, Carrik, Montroſe, Signiferis; Hectori Meldrum, Willelmo Campbele, Clauigeris; Symoni Spardoure, Donaldo Malynny et Georgeo Schaw, Curſoribus, vicecomitibus noſtris in hac parte; ſalutem. Mandamus nobis et precipimus, quatenus ſummoneatis, legittime et peremptorie, coram teſtibus, Johannem Ross *de Montgrenane* perſonaliter apprehenſum, ſi eius preſenciam commode habere poteritis, alioquin apud Montgrenane et locum ſue habitacionis, et ad crucem fori burgi noſtri de Are, et ad crucem fori burgi noſtri de Irwin, per publicam proclamationem; ita quod hujuſmodi Summonicio ad eius noticiam vereſimiliter peruenire poterit, quod compareat perſonaliter coram nobis, in noſtro proximo Parliamento, tenendo apud Edinburghe, die Jouis, nono die menſis Octobris proxime futuro, cum continuacioune dierum, ad reſpondend. nobis in prefato noſtro Parliamento pro ſuis proditoriis arte, parte, conſilio et aſſiſtencia datis et exhibitis Jacobo Comiti Buchanie, Stephino Lokhert de Clegborne, et Thome Fothringhamo de Powry in extraportacione et duccione quondam patris noſtri cum armis et copia virorum apud Blaknefs, pro noſtra et noſtrorum finali diſtructione, attento quod nos eo tempore prout omni alio extitimus parati perimplere Appunctuamenta per ipſum nobis miſſa, promiſſa, et ſubſcripcione eius manuali ſubſcript., conſilio eius fracta, prorupta et ſpreta, quamobrem Comites de Huntle, Erole, Merſchell et Dominus Glammis eum dictum Johannem Roſſe et eius opinionem reliquerunt, et ad loca propria redieruut: Et pro proditoriis arte, parte, conſilio et aſſiſtencia datis et exhibitis dictis perſonis, in preparamento et araymento campi bellici contra nos apud Blaknes, in quo nouiter appunctuatum extitit: Et pro complicione Appunctuamentorum prius premiſſorum, dictus Jacobus Comes Buchanie, Willelmus Dominus Rothuen, Thomas Fothringham de Powry, Willelmus Murray de Tulybardin dabantur fide-inſſores et obſides: Ac pro proditoriis arte, parte, conſilio et aſſiſtencia datis et exhibitis dictis perſonis ad prorumpend. dicta Appunctuamenta, pro communi tranquillitate pace et concordia regni inita, poſtquam dictus quondam pater noſter ad caſtrum de Edinburghe peruenit: Et pro proditoriis arte, parte, conſilio et aſſiſtencia datis et exhibitis dictis perſonis et Audree Epiſcopo Morauien. in miſſione et deſtinacione Johannis Domini Bothuile in regno Anglie ad Regem eiuſdem, pro proditoriis importacione ipſius et ligeorum ſuorum ad diſtructionem noſtram et legiorum noſtrorum et Corone regni Scocie ſubiectionem perpetuam legiancie et obediencie dicti Regis Anglie: Et pro proditoriis arte, parte, conſilio et aſſiſtencia datis et exhibitis dictis perſonis, in conſulendo dictum quondam patrem noſtrum ad exeund. Caſtrum de Edinburghe, cum armis et copia virorum, ad inuadend. nos, tunc exiſtentem Principem, apud Striuelin: Et pro proditoriis fugacione et proſecucione noſtre perſone extra pontem de Striuelin, ibi Incendia, depredaciones et occiſiones facien.: Necnon pro proditoriis arte, parte, conſilio et aſſiſtencia datis et exhibitis dictis perſonis, in faciendo patrem noſtrum contra nos ſe eregere, ad diſtructionem noſtre perſone, in preparamento et araymento campi bellici, apud Striuelin, vndecima die menſis Junij vltimi elapſi, poſt diuerſas Concordias et Appunctuamenta inter nos et patrem noſtrum inita, ad que ſemper eramus, prout tunc prompti, genubus flexis, inter bella optulimus perimplere, et conſilio ſuo fracta et perturbata; cuius conſilio, cum aliis, in inicio belli dictus quondam pater noſter campum reliquit, et in manus vilium perſonarum incidit, et occiſus fuit: Insuper, pro proditoriis arte, parte et conſilio Occiſionis eiuſdem, ſuis proditoriis conſilio, ductione, et gubernacione: Et ſuper aliis quampluribus criminibus et proditoriis tranſgreſſionibus, per ipſum Johannem Ross contra nos et regnum noſtrum inique perpetrate, jurj parend.: Intimando dicto Johanni, quod ſiue dictis die et loco cum continuacione dierum comparuerit ſiue non,

nos nichilominus in premiſſis, juſticia mediante, procedemus. Et preſentes literas debite executas et Indorſaciones earundem reddite latori: Et vos qui preſentes executi fueritis ſitis ibidem dicto die coram nobis, portantes vobiſcum Summonicionis veſtre teſtimonium et nomina teſtium in ſcriptis pro premiſſis ſeu ipſos teſtes: AD quod faciendum vobis et veſtrum cuilibet in hac parte coniunctim et diuiſim plenariam committimus poteſtatem. DATUM ſub teſtimonio Magnj Sigilli noſtri, apud Edinburghe, ſecundo die menſis Julij, anno regnj noſtri primo.

Poſt cuiuſquidem Summonicionis lecturam, idem vicecomes probauit dictam Summonicionem legittime executam, per ſuam indorſacionem, et certos teſtes in eadem indorſacione contentos, ad hoc inibi in judicio productos et juratos, videlicet Nigellum Campbele, Hugonem Flemyn, Walterum Kide, Thomam ȝoung, Johannem Montgumery et Robertum Fergufhill de eodem; cuius indorſacionis tenor ſequitur.

Indorſaciones ſive Executiones Summonicionis Forisfacture.

THE xiij day of the monethe of Auguſt, the ȝere of God (I^m.iiij^c.)lxxxviij ȝeris, I CARRIK, Purſewant, and ſcheref in þat parte, perſonaly paſt to þe Chemis of Montgrenane, and þare ſummond, chargeit and warnit Johne þe Ros of Montgrenane to compere before our ſouerane lord in his Parliament to be haldin at Edinburghe the ix day of the monethe of October nixt to cum, with continuacioune of dais, to anſuer to his hienes apone all þe pointis, articlis and crimeȝ of Treſſoune contenit in our ſouerane lordis lettrez: Before þir Witnes, William Campbele, Hew Flemyn, Thomas ȝoung, and Walter Kid, with vtheris diuerſe. THE ſammyn day, I þe ſaid CARRIK paſt to þe merkat corſe of Irwin, and þare be oppin proclamacioune ſummond þe ſaid Johne the Roſs of Montgrenane to compere before our ſouerane lord þe ſaidis day and place, to anſuere to his hienes apone the poyntis and articlis contenit in þir lettrez: Before þir Witnes, Johne of Montgumry broþer to the Lord of Montgumry, Johne of Montgumry of Giffyn, Robert of Fergufhill of þat Ilke, and Johne of Fergufhill, with vtheris diuerſe. THE xvj day of þe monethe of Auguſt, I CARRIK, Purſewant, paſt to the merkat corſe of Are, and þare be oppin proclamacioune ſummond and chargeit the ſaid Johne the Roſs to compere before our ſouerane lorde, at day and place aboune writtin, to anſuere to all poyntis and articlis contenit in þir lettrez: Before thir Witnes, Johne Campbele of Schankiſtoune, Fergufe Fergufſoune of Kilkerane, Andro Buſby alderman of Are, James Campbele of þe Brownſide, with vþeris diuerſe. In witnes hereof I haue ſet to my Signet.

Quo Johanne Roſs ſepe vocatus, per dictum Summonicionem et tenorem eiuſdem, ad reſpondend. dicto domino noſtro Regi in preſenti Parliamento, ſuper proditoriis actionibus in dicta Summonicione contentis, et non comparen. legittimo tempore diei expectato, ordine et proceſſu continuacionum dicte Summonicionis per Dominos, Barones, et Burgorum commiſſarios huc uſque juridice procedi, viſis et intellectis, Colinus Comes de Ergile, &c. Cancellarius dicti domini noſtri Regis et eius nomine, de ſuo expreſſo mandato, requiſiuit et peciit a dictis Dominis, Baronibus et Burgorum Commiſſariis ſua ſenſiamenta et Decreta Parliamenti, penes proceſſum dicte Summonicionis, ſi dictus Johannes Roſs de Montgrenane fuit culpabilis in proditoriis actionibus prenominatis, et in dicta Summonicione contentis: Quibus Dominis, Baronibus et Burgorum Commiſſariis deligenter et mature auiſatis, inuenerunt, et vnuſquiſque pro ſeipſo, deliberauerunt, quod dictus JOHANNES ROSS fuit culpabilis in omnibus proditoriis actionibus

prenominatis in dicta Summonicione contentis, exceptis factis apud Abirdene: Et ideo datum fuit pro Judicio ſiue Laudo Foriſſacture, per os Alexandri Dempſtar Judicatoris Parliamenti, in modo et forma ſequen. in wlgari.

Judicium ſive Laudum Foriſfacture.

This Court of Parliament ſchewis for law, and I gif for Dome, that forſamekle as it is fundin be ſenſment of Parliament, that Johne the Ross of Montgrenane has committ and done Treſſoune agane oure ſouerane lorde þe King and his Realme, in the pointis and articlis abone writtin, contenit in þe Summondis maid þairapone, except þe wyrkingis maid at Abirdene, That þairfore þe ſaid Johne þe Roſs has forfalt to our ſouerane lorde þe King, his lif, landis, officis, gudis movable and vnmouable, and all vtheris his poſſeſſionis quhatſumeuer he haid within þe realme of Scotlande, euermare to remane with our ſaid ſouerane lorde, his airis and ſucceſſouris, for his Treſſoune and offence. And þt I gif for Dome.

High Treason.

Eodem die, Cuthberto Murray de Cokpule[1] ſepe vocato, per Summonicionem regiam et tenorem eiuſdem ſub teſtimonio Magnj Sigilli regii deſuper directo, ad reſpondend. perſonaliter dicto domino noſtro Regi, in preſenti Parliamento, ſuper certis proditoriis actionibus in dicta ſummonicione contentis; et non comparend. continuatur ad craſtinum videlicet decimum quintum menſis inſtantis Octobris, cum continuacione dierum, in eadem forma ut nunc eſt, abſque preiudicio parcium.

Regulations for the due Administration of Justice.

[One of the earliest public Acts of the first Parliament of King James IV[2] throws much valuable light on the energy and vigour recommended and enforced by the advisers of the young King, whose personal activity and zeal in the discharge of all the functions of the royal office are well known and acknowledged. It is preceded by the following brief resolution,[3] which, as is generally allowed, he fulfilled even to the letter. 'It is aviſit and concludit, anent the furthe putting of juſtice throw all the Realme, that our ſouerane lord sall ride in proper persoune about to all his Aieris: And þat his Justice ſall pas with his hienes, to miniſter juſtice, as beis thocht expedient to him and his Counſale for the tyme.'

As the future proceedings frequently refer to the discharge of the important duties intrusted to the Lords and Barons named, it has been considered necessary to lay before the reader the particulars, which as usual are concisely stated.]

Oct. 17.—'Anent the ſtanching of Thift, Reff, and vtheris innormitez throw all þe realme, thir Lordis vnder writtin has maid faithe and gevin þar

[1] This case was continued from time to time; but, from the imperfect state of the Records, it does not appear whether he was forfeited or not. The probability is that he was not, otherwise so much delay would not have been granted him. [2] *Acta Parl.* 1488, cap. 9. [3] Ib. cap. 8.

bodily aithis to our ſouerane lord, in this his Parliament, that þai and ilkane of thame ſall diligently, withe all cure and beſinace, ſerche and ſeik quhar ony ſic treſpaſſouris ar fundin or knawin within þar boundis, and tak þame and juſtify[1] þame, or mak þame be ſend to our ſouerane lord to be juſtifiit: And þai ſall haue pouere of our ſouerane lorde, vnder his quhite walx, to tak and punys the ſaidis treſpaſſouris but fauouris, according to juſtice: And als, to gif þame pouere to cauſe vtheris ſmale Lardis within þar boundis to mak faith elik wiſe, and to riſe and aſſiſt to þame in the takyne of þe ſaidis treſpaſſouris.

BARONS *appointed to search for and punish trespassers.*

THE LORD HALIS and ALEXANDER HUME for *THE MERSE, LOUDIANE,* þe Wardis of *HADINGTOUNE, LINLITHQW* and *LAUDERDAILE.*

THE LORD HALIS for *KIRCUDBRYCHT* and *WIGTOUNE.*

THE ERLE OF ANGUSE for the ſcherefdome3 of *ROXBURGHE, SELKIRK, PEBLIS, LANARK.*

THE ſaid ERLE and THE LORD MAXWELL for *DRUMFRESE.*

THE LORD KENNYDY for *CARRIK.*

THE SCHEREFF OF ARE for *ARE.*

THE LARD OF CRAGY for *KILE.*

THE LORD OF MONTGUMMERRY for *CUNYNGHAME.*

THE ERLE OF LEUUENAX, THE LORD LILE, MATHEW STEWART, for *RENFREW, THE MONKLAND, LEN3HEY, BOTHUILE, GLASGW, KILBRIDE, AVANDAILE.*

And the forſaid LORDIS and the LORD OF MONTGUMMERRY for *DUNBARTANE, THE LEUUENAX, BUTE,* and *ARANE.*

THE SCHEREFF OF STERUILINE and JAMES OF SCHAW for *STERUELINSCHIR.*

ARCHIBALDE EDMANSTOUNE for *MENTEITHE* and *STRAITHEGARTHENAY.*

THE CHANCELLAR, THE MAISTER OF ERGILE, for *ERGILE,* þe half of *LORNE, KNAEDANE, KYNTYRE* and *COWALE.*

DUNCANE CAMPBELL, NEILE STEWART and EWYNE CAMPBELL, for *DISCHER, TOYERE, GLENURQHAR, RANNOCHE, APNADULE, GLENLYOUNE, GLENFALLOICHE.*

THE ERLE OF ATHOLE and ALEXANDER ROBERTSOUNE for *ATHOLE.*

THE LORDE DRUMMONDE for *STRAITHERNE, BUCHEQUHEDERE,* and *DUNBLANE.*

THE LORD OLIPHANT for þe Lawlande of þe Scherefdome of *PERTHE, STRATHEBRAYNE,* and the biſchoprik of *DUNKELDENE.*

THE LORD GRAY, THE LORD GLAMMYS, THE MAISTER OF CRAUFURDE for *ANGUSE,* Hie land and Law land; and to ſitt with þe JUSTICIS of the Regalite3, &c.

THE ERLE MARCIALL for *THE MERNIS.*

THE ERLE OF HUNTLIE, THE ERLE OF EROLE, THE LARD OF INUERRUGY fra the Monthe northe fra Inuerneſſe, in . . . . .

THE SCHEREFF OF FIFF and þe LORDE LINDESAY for þe ſcherefdome of *FIFF.*

Forfeiture of the Earl of Lennox, his son the Master of Lennox, and Lord Lyle, recalled.

[SHORTLY after the coronation of James IV, the leaders of the party who had unsuccessfully opposed him while Prince, at the Field of Stirling, precipitately organized a Conspiracy against him,

[1] Execute them; put them to death, after legal trial.

under the pretence of revenging the late King's death. For this purpose they hoisted the bloody shirt of James III as their standard, and appealed to the sympathies of the people. The attempt appears to have been premature, and proved abortive; for John Earl of Lennox, and Robert Lord Lyle, the Earl Marischall, Lords Forbes and Crichtoun, with the Master of Huntley, &c. were totally overthrown, in the month of October 1489, near Touch, at the Talla Moss, being about sixteen miles from the town of Stirling. The King, however, with singular leniency, speedily restored them to his favour, and spared their estates.

Reference may be made to *Mr Tytler's* valuable Historical work[1] for a full account of all these transactions, which are likewise related by *Buchanan, Lesley*, &c. which last authority states,[2] that 'ane greit nomber of the Lennox men wer flane, and findry of the Barronis, fic as the Lords (Lairds) of Kilcrouicht and utheris, tane and hangit thairfoir.'[3] *Sir James Balfour* informs us, that this 'Laird of Kilcreuche' was 'Chieffe of the Galbraithes.'[4]

It has been thought that the reader would prefer to have before him the King's warrant for recalling the Forfeitures which had taken place. The Act of Parliament itself may be seen in the new and valuable Edition of the Acts of the Parliaments of Scotland, printed under the care of *Thomas Thomson, Esquire*, the present Deputy Clerk Register.]

Jun. 26, 1489.—Preceptum Regis *pro extraccione processus Comitis de Leuenax, Roberti Domini Lile, et Mathej Stewart.*[5]

Rex,

Clerk of our Registre. Wit ȝe, that fforſamekle as it is now fundin and declarit be the thre eſtatis in this oure Parliament, that þe Proceſs of Forfaltour led apone oure couſingis Johne Erle of Leuenax, Lord Dernely, Matho Stewart his ſone and apperand are, Robert Lord Lile, in our Parliament haldin laſt of before, in our burghe of Edinburghe, is fundin and declarit of nane avale, as þe Act of Parliament maid now þairapone proportis: It is oure Will, and we charge ȝow, that ȝe herfore, incontinent eftir the ſicht of þir our lettrez, tak furthe þe ſaid proceſs of Forfaltour of ȝour bukis of Parliament, and deliuer þe ſammyn to þe ſaid Johne, Matho, and Robert, and diſtroy þe ſammyn proceſs, in ſic wiſe, þat it be neuer ſene in tyme tocum. And this one na wiſe ȝe lef vndone: Halding þir our lettreȝ ſubſcriuit with our hande for ȝour werrande. Writtin at Edinburghe, the vj day of Februare, the ȝere of God J^{m}.iiij^{c}.lxxxix ȝeris, and of our regne the ſecunde ȝere.

[James R.]

Dilecto clerico noſtro Magistro Ricardo Murehede, Decano Glaſguen. Clerico Rotulorum noſtrorum et Regiſtri ac Conſilij, &c.

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[1] *Tytler's Hist.* of Scotland, IV. 345, &c. [2] Bannatyne Club's Edit. 4to, 1830, p. 60. [3] The want of the Criminal Records prevents us from ascertaining who these persons were. [4] *Annales*, I. 215. [5] This was done by Act of Parl. Feb. 5, 1489-90. Vid. *Acta Parl.* II. 217.

CURIA *ſupremi domini noſtri* REGIS, (*tenta apud*)[1] *burgum de* LAUDIR, *die Jovis, ſeptimo die menſis Nov(embris, anno Milleſimo) quadringenteſimo Nonogeſimo tercio, coram nobilibus dominis* (ROBERTO DOMINO LYLE *et* LAUREN)TIO DOMINO OLIPHANT, *Juſticiariis ſupremi domini* REGIS, *ex* (*parte auſtrali aque de*) *Forthe.*

Letters of General Remission,

GRANTED BY KING JAMES IV. TO THE INHABITANTS OF BERWICKSHIRE, THE MERSE, AND LAUDERDALE.

JAMES, be the grace of God King of Scottis, to all and ſyndrie oure Juſticis, ... Juſtice clerkis, Crounaris, and thare deputis, and utheris oure officiaris, liegis, and ſubditis, (quhome it) efferis,[2] quhais knawlege thir oure lettres ſal cum, greting. For ſamekil as We grantit, of before, generale Remiſſionis to all and ſyndri oure liegis and ſubditis, inhabitant the boundis of the Sherefdome of Berwic, the Merſe, and Lawdirdale, for all crimeȝ and actionis committit be thame, in ony tyme bigane, before the day of oure Coronatioune: And as ȝit, ane pairt of oure liegis has nocht rafit thare Remiſſionis thareupoune: WE heirfoir, of our ſpeciale grace and favouris, has Reſpectit,[3] Remittit, and Forgevin, and be oure Lettres ſpecialie Reſpectis, Remittis, and Forgevis for evirmare, all and ſyndri oure liegis and ſubditis, inhabitant the boundis of oure Sherefdome of BERUIC, THE MERSE, and LAWDIRDALE, of quhat eſtate, degre, or conditioune thai be of, to be unattachit, unarreſtit, unperſewit, unfolowit, ony maner of way, in all tymeȝ to cum, be ony of our officiaris, liegis, or ſubditis foirſaidis, for ony crimeȝ, offenſis, reffis, herſchippis, ſlauchteris, birnyngis, murthir, treſonis, or uthir treſpaſſis quhatſumevir, committit or done ony maner of way, before the date of oure Coronatioune foirſaide, be ony of our liegis or ſubditis forſaid. QUHAIRFOR, We charge ſtraitlie and commandis ȝou, all and ſindrie oure liegis and ſubditis forſaid, that nane of ȝou tak upoun hand, to attach, arreſt, perſew, or folow ony maner of way, ony of our liegis or ſubditis forſaid, for ony crimeȝ of treſone, offenſis, or treſpaſſis quhatſumevir, committit or done be thame, or ony of thaim, in tymeȝ bigane, before the day of our Coronatioune forſaide, in ony tyme to cum. As ȝe wil anſuer to us thareupoune, and undir all the hieſt payne, charge, and offens that ȝe or ony ane of ȝou may committ or inryn[4] agane our Majeſté riall,[5] in this preſent; difchargeing ȝou and ilk ane of ȝou of ȝour officis in that pairt, be thir oure Letres: GEVIN undir oure Privé Sele, at Dingvale, the xxiiij day of October, the ȝere of God I^m^. iiij^c^. nynty thre ȝeris, and of our regne the ſext ȝere.

[1] The words within parentheses are supplied from similar entries. The commencement of the volume is much decayed and destroyed by damp, &c. [2] Whom it concerns; to whose knowledge, &c. [3] Respited. [4] Literally run into; incur. [5] Royal.

Slaughter.

Nov. 9, (*dies Sabbati*,[1] *viz. tercia dies Itineris.*)—Thomas Broune, in Langtoune, convicted of art and part of the ſlaughter of umq^le^ Thomas Achinſoune.—Beheaded.[2]—James Broune in Langtoune was put to the horn, &c. for the ſame crime; and his cautioner, William Amere, ſon of Robert A. in Todrik, was amerciated in L.20 for his non-appearance.—(Nov. 12.) Robert Dougal in Langtoune was beheaded for the ſame ſlaughter.

Hamesucken — Stouthreif.

Nov. 12.—William Cokburne, ſon and heir of the Laird of Langtoune, and nine others, permitted to compound for art and part of the forethought felony and 'Hameſukin' done to Robert Sleich, his wife and children, at the Place of Oxinden: And alſo, for Stouthreif of a bonnet and 'quhyngare' from the ſaid Robert, at the ſame time.

Killing Hares in forbidden time.

William Cokburne,[3] ſon and heir of the Laird of Langtoune, came in the King's will for ſlaying of Hares, during the forbidden time.

Stouthreif from the Laird of Spottiswood, &c.

Nov. 13.—Symon Furde in Toftis, and Thomas Furde of Litil Harlaw, and ſix others, came in the King's will, for forethought felony and 'Hameſukin' done to James Spottiſwode of that Ilk, George and Adam Spottiſwode, at the Place of Spottiſwode: And alſo, for art and part of the Stouthreif of three lances from the ſaid perſons, at the ſame time.—The Maſter of Hume and George Hume of Wethirburne became cautioners for the ſatisfaction of the King and parties. (Amerciated L.4 each.)[4]

Slaughter—Forethought Felony.

James Spottiswode, junior, Adam S. and Thomas Wod, got a Remiſſion for art and part of the cruel Slaughter of vmq^le^ Thomas Burne, in the town of Blythe: And alſo, for art and part of the forethought felony done to Alexander Hog.—The Laird of Spottiſwood became ſurety for ſatisfying the parties.

[1] Saturday or *Sabbath*, the Jews' day of rest. Sunday is universally translated in ancient documents, especially legal writings, *dies Solis* or *dies Dominica*. Want of attention to this circumstance has led to frequent errors and mistatements. [2] 'Memᵖ. Quod de bonis Thome Broune datur in elimoſina uxori et prolibus, ij. vaccas, le *rov*. . . cornum, cum utenſilibus domino Regi pertinen.' [3] This case took place on the same day with the preceding. [4] This fine was probably to the King. The parties would not be so easily dealt with. It may be taken for granted that all entries of similar 'amerciaments' and fines, in the Record, were merely to the Crown, *in modum pœnæ*, without reference to the 'affythment' or compensation to be made to the private party, which was matter of private negotiation or of reference to arbiters mutually chosen.

Felony done to the Laird of Blyth.

JAMES SPOTTISWODE, junior, and Robert Steill came in the King's will for the forethought felony done to James Weddale of Blyth. The Laird of Spottiſwood became cautioner to ſatisfy the parties. Amerciated L.3 for each.

Forethought Felony.

Nov. 14, *(ſexta dies Itineris.)*—THE LAIRD OF SPOTTISWODE, Adam and James, his ſons, and George, his brother, came in the King's will for the forethought felony done to William Knox and Cuthbert Forſter, at Ryecluche. The Laird became ſurety to ſatisfy the King and parties. Each amerciated in L.2.

'Afflictio juvenis, pro Interfectione in octennio commissa.'

[The following case of a boy of eight years of age being punished by public flogging at the parish church of Legerwood, until blood should be drawn from him, is so remarkable, that the Editor has deemed it best to give the precise words of the Record, the force of which would be much weakened by any translation. In all similar instances, wherein the ordinary technical phraseology of the Books of Adjournal has been departed from, he has uniformly followed the same rule.]

Nov. 14.—Quo die THOMAS GOTHRASOUNE juvenis in judicio fatebatur Interfectionem Johannis Smythe, filij Thome Smyt: Quapropter ordinatur per Juſticiarium, Vicecomes Dominus de Corſby ad hoc juratus, affligere eundem Thomam, pro hujuſmodi Interfectione, apud Eccleſiam de Ligertwode, in cujus parochia dict. Interfectio fuit commiſſa, in die ſolemni, uſque ad effuſionem ſanguinis; quia dictus Thomas Gothraſoune commiſit dictam Interfectionem in octennio, et in hac etate non poterat ad mortem pro crimine juſtificari.'

CURIA *Itineris Juſticiarie de* JEDWORTHE, *inchoata die Lune, Nov.* 17, 1493.

Intercommuning with the English.

Nov. 19, (*die Martis, tercia die Itineris.*)—WALTER TALZOUR 'Baro de Haſſindene,' permitted to compound for Intercommuning with the Engliſh.—The Laird of Bucluche became ſurety for the entry of the ſaid Walter, at the next Juſtice-aire.

Treasonably being with the Duke of Albany.

THOMAS TURNEBULE, in Gaithouſcot, produced a Remiſſion for his treaſonably being with Alexander formerly Duke of Albany;[1] and ſpecially, at the Burgh-Mure of Edinburgh.

[1] Brother of King James III, and uncle to King James IV; and who treasonably conspired against his brother. After having escaped from Edinburgh Castle, in 1479, he fled to France, and was for-

Intercommuning with Archibald Armstrang.

Walter Robsone, in Harden, came in the King's Will for Intercommuning with Archibald Armstrang, being at the horn for the Slaughter of *the Laird of Eldmere*.—Walter Ker became surety.

Treasonably being with the Duke of Albany, &c.

Ralph Anysle produced a Remission for his being treasonably with Alexander formerly Duke of Albany; and also with Richard Reid, Englishman, before the date of his Remission: Also, for art and part of the treasonable Stouthreif and 'Herschip' made at the Place of Spittale of xxiiij oxen and cows, and vj horses and mares, with goods and utensils worth x^xx li.,[1] from the tenants thereof.—Andrew Ker of Fairnyhirst became surety.

Bringing in the English of Tynedale.

Symon Young, in Rouchlee, produced a Remission for art and part of the theftuous and treasonable inbringing of the Englishmen of Tyndale to the 'Herescip' of Thomas Leipdene and Mathew Michelsoune, dwelling in Hundolee.—Andrew Ker of Farnyhirst became surety to satisfy the parties.

Intercommuning with the Thieves of Levyn.

Nov. 20.—Walter Scot of Edschaw permitted to compound with the Treasurer for his treasonably Intercommuning with the Thieves and Traitors of Levyn.

Treasonably being with the Duke of Albany.

Patrick Mow produced a Remission for his treasonably being with Alexander formerly Duke of Albany.

Forethought Felony — Stouthreif.

William Tayt in Cesfurde-manys, and Robert Burne his cousin-german, came in the King's Will for art and part of the forethought felony done to Thomas Young, by way of Murder, at the ford of Cale:[2] And also, for Stouthreif of a horse, a saddle, a bow, with a satchel and purse,[3] and 20 s. being in the said purse.—Sir Robert Ker, knyght, became surety. Each amerciated in 40 s.

feited, Oct. 4 of that year. In 1482 he went to England, swore fealty to King Edward IV, and assumed the Title of King of Scotland. The King, his brother, shortly afterwards forgave him; but he once more proved a traitor; and, after having given up the Castle of Dunbar to the English, again retired to England. On Jul. 22, 1484, he was routed at Lochmaben; but escaped to France, leaving the Earl of Douglas, &c. prisoners. He was a second time forfeited, Oct. 1, 1487, and his estates were finally annexed to the Crown. This turbulent Prince was killed at a tournament in Paris, in 1485.
[1] Ten score, L.200. [2] See Mar. 2, 1494-5. [3] '*Cum pera et loculo.*' *Pera* usually denotes a poke, budget, or bag for provisions, &c.

Slaughter — Stouthreif.

JOHN MURRAY, (reſiding) with Walter Ker in Cesfurde, produced a Remiſſion for art and part of the Slaughter of William Auchinlek: *Item*, for the Stouthreif of five elns of white woollen cloth from David Wodes man, during the time of the Rebellion of Alexander Duke of Albany.

Treason — Intercommuning with the Duke of Albany — Taking Prisoner and exacting Ransom, &c.

ADAM KIRKTOUNE, in Craling-mylne, produced a Remiſſion for treaſonable outputting and inputting, and common Theft, common Reſet and common Treaſon, before the date thereof: *Item*, for his treaſonably being with Alexander late Duke of Albany: *Item*, for the treaſonable carrying off of a ſhoe-maker in Jedworthe[1] to the Engliſh; and cauſing him to be redeemed for L.40.—Dand[2] Ker of Farnyhirſt became ſurety to ſatisfy the party.

Bringing in the English and Plundering Minto, &c.

WILLIAM GRYMYSLAW, at the Kirk of Haſſindene, permitted to compound for art and part of the treaſonable bringing in of the Engliſh of Tynedale to the 'Hereſchip' of 100 cows and oxen, 100 ſheep, 20 horſes and mares, and ſundry utenſils, furth of Mynto: *Item*, for his treaſonably Intercommuning with the Thieves of Levyn.—Walter Scot of Howpaſlot became ſurety for ſatisfying the parties.

Concealing 'pas-pennys' found in Minto-Kirk.

Nov. 21.—JOHN SINCLARE in Mynto, and four others, came in the King's Will for treaſonably concealing and Stouthreif of x^xx^ 'pas-pennys'[3] pertaining to the King, found in the Kirk of Mynto.—The Laird of Bethroule and William Langlandis became their ſureties.

'Hereschip' of Harehede—Resetting Traitors of Leven.

WALTER SCOT of Howpaſlot allowed to compound for treaſonably bringing in William Scot, called *Gyde*, John his brother, and other Traitors of Levyn, to the 'Hereſchip' of Harehede: *Item*, for theftuouſly and treaſonably Refetting of Henry Scot, and other Traitors of Levyn: *Item*, for the treaſon-

[1] Jedburgh. [2] Andrew. [3] These were likely to be ten score 'paces' or '*Nobillis of paiſs*,' English gold coins or Nobles, which are frequently mentioned in our old Acts of Parliament. The term *pace* seems to have reference to their *weight*, q. d. Heavy Nobles, Nobles of weight. Although found in the *Kirk* of Minto, there is no reason to suppose they were *Pace* or *Easter*-offerings. There is no doubt that this *poſe* was 'treaſure-trove,' accidentally turned up and concealed by Sinclare; and as such it belonged to the King; who, on the other hand, could have had no claim to pious Easter-offerings, made in grateful remembrance of the Resurrection. See also Nov. 9, 1502.

able Stouthreif of forty oxen and cows, and two hundred ſheep, from the Tenants of Harehede, at the ſame time.—Robert Scot of Quhitcheſter became ſurety for his entry at the next Juſtice-aire.

Stouthreif—Slaughter—Common Theft.

Peter Hall, in Newbiggin, produced a Remiſſion for theftuouſly concealing of a target (shield) made of tanned hide,[1] and a ſword, from John Hall and Edmund Hall, furth of Newbiggin: *Item*, for art and part of the Slaughter of John Henriſoune in Lyntounlee: *Item*, for ſtealing ſix ewes[2] from Thomas Henriſoune, dwelling in Jed-Foreſt: *Item*, for the Slaughter of the ſaid Thomas: *And* for common Theft, before the date of his Remiſſion.—David Anyſle became ſurety to ſatisfy the parties.[3]

[John Lord Drummond, *deputy and lieutenant of* John Lord Glammis, *and* Robert Lord Lile, *Juſticiars on the South parts of the Forth.*]

Burning of Mynto—Sheep-stealing, &c.

Feb. 26, 1594-5, (*ſecunda dies Itineris.*)—Gilbert Schevil, in Bethroul, produced a Remiſſion for Burning of Mynto: *Item*, for being art and part with Alexander late Duke of Albany: *Item*, for ſtealing fourteen ſheep, 'ȝowis,' (ewes,) &c. &c.—The Laird of Bedroule became his cautioner.

Slaughter, &c.

James Pilmure, in Ednem, produced a Remiſſion for theftuouſly waſting of the goods of George Smythe, at the time he lay with his wife:[4] *Item*, for the Slaughter of Alan Glaſgw.—Ralph Ker became ſurety to ſatisfy the parties.

Treasonably bringing in the Thieves of Leven, &c.

Feb. 28, (*dies Sabbati.*)—Hector Laudir, brother of the Laird of Todrig, produced a Remiſſion for treaſonably bringing in of Willoc Elwalde, Rolland Elwalde, and five brethern of the Armſtrangis, Traitors of Levyn, to the 'Herſchip' of Quhitmur: *Item*, for art and part of the Stouthreif of V^{xx} [5] cows and oxen, and the whole houſehold goods from the Tenants of Quhitmur, at the ſame time: *Item*, for Treaſonably bringing in the Forſtaris and other Thieves of Levyn to the Pot-Loche of Selkirk, &c. &c.—Robert Scot, ſon of Walter of Edſchaw, became ſuretie to ſatisfy the parties.

[1] 'Unius tergoris corticati.' [2] Ovium le ȝowis. [3] At the end of the proceedings of this Aire, there is the following entry: 'Summa totalis extractus Itineris, V^{c}.iij^{xx} xv lib. xviiij ſ. iiij d. (L.575, 18s. 4d.) [4] In Adultery, 'tempore quo concubuit cum uxore ejus.' There are numerous entries to the same effect, both in the Criminal Records and in the Register of the *Privy Seal*, where Remissions frequently occur for this offence. [5] Five score.

Slaughter of Sir George Farnylaw, chaplain.

ROGER LANGLANDIS, Sir Robert Ker, kn^t, and John Rutherfurd of Edgarftoune, often called to enter Roger Langlandis to underly the law for the Slaughter of Sir George Farnylaw, chaplain, under the pain of L.20, for which they had become bound to the Sheriff of Roxburgh, as they confeffed in judgement; and not appearing, they were amerciated in the faid fum: And it was ordained, that the faid Roger fhall be denounced Rebel at the horn; and all his goods to be efcheated to the King.

Slaughter.

THOMAS RUTHERFURD, fon of Nicholas R., denounced Rebel, and all his goods ordained to be efcheated, for not underlying the law for the Slaughter of Duthac Rutherfurde.—John R. of Edgarftoune, his cautioner, amerciated L.40 for his non-appearance.

Theft—Stouthreif—Bringing in the Thieves of Leven, &c.

Mar. 2, (*quarta dies Itineris.*)—ALEXANDER TURNBULE, fon of Andrew of Dridane, produced a Remiffion for the theftuous Refet of Adam Howatfoune and Robert Jakfoun in the Thefts committed by them; and fpecially, in the Theft of fix ewes ('*zowis*') from James Ker, furth of Faftheuche: *Item*, for art and part of treafonably bringing in the Thieves and Traitors of Levyn upon Thomas Myddilmaft, in Ploro; and Slaughter of his wife, and two fons, called Ninian and John: *Item*, for art and part of the treafonable Stouthreif, from the faid Thomas Myddilmaft, at the fame time, of xj horfes and mares, price 100 merks; xliiij oxen and cows, price L.88, &c.—(the specification is so remarkable that the remainder of the charge is given in the original terms of the Record)—'ij le *ftandis* armorum,[1] precium L.20; xl lib. auri et argenti;[2] fex cocliarium argenteorum,[3] precium 6 marc.; una magna duodena vaforum ftaneorum,[4] precium L.7; fex togarum virorum,[5] precium L.8; xj togarum fubuncularum feminearum,[6] precium L.22; xij flammearum,[7] precium L.12; v cadurcarum,[8] precium L.10; v arcium,[9] precium 50 f.; vj lancearum,[10] vj bipenium,[11] precium L.2, 10 f.; 2 annullorum aureorum,[12] precium L.5; iij le *tykis* de *feddirbeddis*, precium L.5; xxij parium linthiaminum,[13] precium L.11; xxij coopertorium de le *worfet*,[14] precium L.10; xvj lodicum,[15] precium L.6; xx trinaclium,[16] precium

[1] Suits of mail or armour. [2] Gold and silver coin. [3] Silver spoons. [4] A great dozen of tin or pewter flagons or vessels. [5] Men's gowns. [6] Women's kirtles. [7] Scarfs or veils. [8] Generally understood to be blankets or coverlets; but in this instance the term seems to be figuratively used for a sort of shield or target. [9] Hand-bows. [10] Lances. [11] Halberts or Pole-axes; 'Jeddart-ftaffis.' [12] Gold rings. [13] Pairs of linen sheets. [14] Blankets; worsted coverlets. [15] Sheets. [16] Perhaps *crinaclium*, hair-pins, or bodkins. The Editor never met with this word before, and he does not find it in *Ducange* or the other Glossaries.

20 ſ.; v gladiorum,[1] precium L.5; unius dacre corej frimiti,[2] precium L.3; ocrearum cellarum[3] et aliorum bonorum utenſilium, precium L.5; quinque capparum Flandrie,[4] precium L.2, 10 ſ.; duarum telarum panni gerſij,[5] precium L.10; trium telarum panni linej,[6] precium L.3; v boxarum, precium L.2, 10 ſ.; quatuor le *cofferis*, precium 26 ſ. 8d.; quinque duplij camentorum biſtmiti,[7] precium L.2, 10 ſ.; trium ulnarum panni Anglicani,[8] precium L.3; trium manitergiorum,[9] precium 6 ſ.—Robert Scot of Quhitcheſter became ſurety to ſatisfy the parties.

Forethought felony—Wounding—Stouthrief.

David Tait, brother of William in Cesfurdmanys, came in will, for art and part of the forethought felony done to Thomas Ȝoung, and cruelly Wounding him, at Cail,[10] under ſilence of night; and for Stouthreif from him, at the ſame time, of his horſe, ſaddle, bow, pair of ſpurs, 'quhinȝeare,' purſe, and xx ſ. of ſilver therein.—The ſaid William became ſurety to ſatisfy the King and party.

Curia *Itineris Juſticiarie de* Liddalisdale, *inchoata Mar.* 2, 1494-5.

The Earl of Bothwell and the Laird of Hallrule amerciated, &c.

William Elwalde.—Patrick Earl of Bothvile and Lord of Liddaliſdale, and George Turnbule of Hall-Rule,[11] Captain of Hermitage, called as lawful ſureties of the ſaid William, as they received him in Indenture from the Coroner;[12] and not compearing, they were amerciated in xl.—On the ſame day, they were alſo amerciated for the non-appearance of eighty-five others, Elwaldis, Armſtrangis, Wighames, Croſares, viz. to the extent of L.850; among the reſt appear *Archibald Armſtrang, Cole Wighame, &c.*

Slaughter—Intercommuning with a Rebel.

Mar. 3, (*quinta dies Itineris.*[13])—Robert Scot of Quhitcheſtir permitted to compound for the Slaughter of Adam Craufurde: And for Reſetting, ſupplying, and Intercommuning with Alexander Jardine, being at the horn.—The Laird of Buckcluche become ſurety to ſatisfy the parties.

[1] Swords. [2] One *daker* of tanned hides. A daker of hides consists of *ten skins.* [3] Riding greaves or boots. [4] Flanders caps. [5] Webs of grey (worsted) cloth. [6] Webs of linen cloth. [7] The Editor can form no idea of the nature of these articles. There must surely have been some extraordinary mistake on the part of the transcriber, in copying the *items* from the Dittay. [8] Three elns of English cloth. [9] Handkerchiefs. [10] See Nov. 20, 1493. [11] Aula de Roule. [12] A co^re. [13] '*Viz. tercia Martij Carniſpriuij,*' (in *Lent.*)

Resetting a Rebel—Slaughter of the Laird of Elmere.

ELIZABETH THOMSOUNE, in Corrisheuche, permitted to compound for Resetting Joisse Glenquhin, being at the horn for the Slaughter of the Laird of Elmere.

Expenses of the Aire of Jedworthe.[1]

SUMMA Totalis extractus de Jedworthe, (Exceptis bonis escaetis),	xv^c.lxxxiij li.[2]
ITEM, pro expensis DOMINI JUSTICIARII, tempore Itineris,	xiiij li.
ITEM, pro expensis DOMINI THESAURARII, et Abbatis de Dunfermling COMPOSITORUM,[3]	xxviij li.
ITEM, pro expensis DOMINI CAMERARII compositoris,	xiiij li.
ITEM, CLERICIS JUSTICIARIE,	vij li.
[Summa Expensarum, lxiij li.]	
ITEM, pro hospitio Domini Justiciarij,	xxvj s. vii d.
ITEM, pro hospitio Domini Thesaurarij,	xl s.
ITEM, pro hospitio Domini Abbatis de Dunfermling,	xx s.
ITEM, pro hospitio clericorum,	xx s.
ITEM Fratribus de Roxburgh, in elemosina Regis,	xl s.
ITEM, pro firma Domus Assise,	xx s.
[Summa HOSPITIORUM, viij li. vj s. viij d.]	
SUMMA totalis Extractus, expensis deductis,	I^m.V^c. xiiij li. xiij s. iiij d.
(Vij^c. xxxiij li. except. Liddisdaile.)	

BONA, *presentis Itineris de Jedworthe.*

Matho Gothrasone, in Mow,	j cow, vij gait.
Jok Wricht, in Lyntoune,	j mere, j pot.
David Wricht, in Lyntoune, brothir to Dik Wrycht,	j cow, j nag.
Johne Turnbule, Sande Turnbulis brothir of Bellentyn, callit *blind Johne*,	ij ky.
Johne Turnbule, callit *Case*, in Nethir Bonecheftir,	iiij ky.

[CURIA *Itineris Justiciarie de* SELKIRK, *inchoata die Mercurij, quarto die mensis Martij,* 1594(-5.) *Coram* JOHANNE DOMINO DRUMMONDE, *deputato et Locum-tenente* JOHANNIS DOMINI GLAMMYS, *et* ROBERTI DOMINI LILE, *Justiciariorum s. d. n. Regis, ex parte australi aqua de Forthe.*]

Sheep and Horse-stealing.

Mar. 5.—DAUID TURNBULE, son of the Laird of Quhithope, in Ernheuch, produced a Remission for art and part of the Stouthreif of xiiij ewes ('*zowis*') from Ninian Murray, furth of Kershop: *Item*, for Stealing a white horse furth of Innerlethane, from Thomas Forest, &c.—Walter Scot of Tuschelaw became surety for satisfying the parties.

[1] Reference may be made to the Appendix to this reign, for many interesting notices connected with the Justice-aires. [2] L.1583. [3] The Compositors for each Aire were formerly appointed by the Privy Council.

Stouthreif from the Tower of Howpaslot, &c.

James Turnbule, brother of the Laird of Quhithop, produced a Remiſſion for art and part of the Thift of xviij ewes furth of Bowhill, from Robert Blacdene, in company with Walter Dalgleſch: *Item*, for art and part of the Stouthreif of iron windows,[1] doors, and 'crukis' furth of the Tower of Howpaſlot, pertaining to the Laird thereof.[2]—The Laird of Quhithop became ſurety to ſatisfy parties.

Burning the Place of Faſtheuch—'Herschip' of Hangitschaw, &c.

Andrew Turnbule, 'calvus' (bald), produced a Remiſſion for art and part of Burning of the Place of Faſtheuch, and Stouthreif of certain horſes, cattle, and other goods furth thereof: *Item*, for the theftuous Reſetting of the Traitors of Levyn, coming with them to the Place of Hangitſchaw; and for Stouthreif of eight horſes, and goods and utenſils therefrom, to the value of I^{c} l.—The Laird of Quhithop became ſurety to ſatisfy the parties.

Reſetting Traitors of Leven, &c.—Oppreſſion—Intercommuning with the Engliſh—Slaughter, &c.

Mar. 5.—John Scot of Dalloriane allowed to compound for art and part of the Reſetting of John Rede and John Scot (Scot-Stow, in Tuſchelaw) in his theftuous deeds; and ſpecially, the time that the ſaid John (Scot)-Stow ſtole a '*drift*' (drove) of ſheep from Thomas Johnſone, furth of Quhithop: *Item*, for treaſonably Reſetting Hector Armſtrang, a traitor of Levyn, in his theftuous deeds and treaſons, &c. &c.:[3] *Item*, for common Oppreſſion of the lieges, in taking and plundering them of their horſes and goods, by his own authority: *Item*, for Intercommuning with the Engliſh, in treaſonable manner: *Item*, for common Reſet of the Thieves of Liddaliſdaile, Eſkdale, and Ewiſdale: *Item*, for Slaughter of one called Colthride, &c. &c.—Robert Scot of Quhitcheſter became ſurety to ſatisfy the parties.

Horse-stealing from the Earl of Angus's Servants, &c.

Mar. 6.—Adam Scot, in Auldinniſchop, ſuffered to compound for Stealing two horſes from the ſervants of the Earl of Angus, coming to Heremitage: *Item*, for the theftuous and treaſonable Reſetting of the Traitors of Levyn in their Thefts and Treaſonable Deeds, &c. &c.—Walter Scott of Howpaſlot become ſurety to ſatisfy the parties.

[1] 'Feniſtrarum ferrearum;' perhaps the phrase may denote *stancheons*, or rather the strong iron frame-work built or soldered into the solid masonry, beyond the casement. It was not usual to glaze iron work. [2] Walter Scot. [3] There is a long catalogue of similar crimes of no interest.

Slaughter.

WILLIAM CLERK, at the Kirk of Ettrick,[1] produced a Remiſſion for the Slaughter of Robert Hay, Gilbert Cokburne, Thomas Lovel, and Gilbert Kermichel.—David Pringil of Torwodlee became ſurety to ſatisfy the parties.[2]

Precept in favour of Sir Thomas Turnbule.

JUSTICE, It is our will, and for certane conſiderationis movyng us, We charge ȝou, þat ȝe charge nocht, nor compel our lovit knycht, SIR THOMAS TURNBULE, to fynd ſouerte, in our Juſtice air, for ſatisfactioune of party, for ony actioune þat he may be accuſit of, committit before our Coronatioune. And þis Precept be ȝou ſene and underſtandin, delyver þe ſamyn agane to þe berar. GEVIN undir our ſignet, at Linlithgw, þe xxv day of Februare, and of oure regne þe ſevint ȝere.

[JAMES R.]

Bond by Walter Scott of Bukcleuiche.

[THE following document is given here, as a specimen of the forms of such writings at this early period. They are only occasionally inserted at length in the Record, in remarkable cases, and in many instances contain the signatures of the parties.]

APUD EDINBURGHE, *Maij xviij*, 1498.—IN preſence of þe Lordis of Counſale, WALTER SCOT OF BUKCLEUICHE is becummyn plege and ſouirte for þe entre of Georg ȝoung, takin by Rinȝeane of Ruþ'furde, Hew of Douglace, and þare complicis, furthe of MYNTO toune; contenit in a Bill of complaynt gevin in be þe ſade Walter, þat he ſall entir þe ſaide Georg ȝoung, in þe next Juſtice-are of Jedworthe, þe thrid day of þe ſammyn, till undirly þe law, apone þe actionis and crimeȝ til be imput be þe ſaidis Rinȝean and Hew, and þair complicis; undir þe pain of xl li.

[CURIA *Itineris Juſticiarie de* PEBLIS, *inchoata die Lune, xij die menſis Novembris*, 1498, *coram* JOHANNE DOMINO DRUMMOND.]

Nov. 15, (*quarta dies Itineris.*)—JOHN TWEDY OF DRUMMELȝARE and five others came in the King's Will for art and part of the Oppreſſion done to Oſwald Portewis and Jonet Flemyn his ſpouſe, in ejecting them furth of their ſet in Uvir Kingildurris.—The ſaid John became ſurety to the King and parties. Each fined in five merks.

Barbarous Oppression, &c.

Nov. 16.—ALEXANDER SCOT, in Hoptoune, allowed to compound for Oppreſſion done to Andrew Talȝour, in riding his mare to death: *Item*, for

[1] 'Apud Eccleſiam Foreſte' (viz. de Ettrick.)

[2] 'SUMMA totalis Extractus de SELKIRK, ij^c.xxxv li. Summa Expenſarum, xxxvi li.—Summa Hoſpitiorum, iij li. xiij ſ. iiij d.—Summa totalis Extractus, expenſis deductis, ij^c.iij li. vj ſ. viij d.'

Oppreſſion done to Thomas Elphinſtoune, in ſtriking his cow till ſhe died: *Item*, for Oppreſſion done to a child[1] of the Laird of Adamlande, in ſtriking him till he could not riſe: *Item*, for forethought felony done to Thomas Elphinſtoune, in Manniſlande, and hurting him.—William Bel, in Peblis, became ſurety to ſatisfy the parties.

Stealing out of the Kirk of Innerleithen.

DAVID TAIT, ſon of Roger Tait, produced a Precept of Remiſſion for art and part of the Stealing of a golden ſignet (ſeal), a gold ring, two ſilver girdles,[2] nine veils[3] of 'lawne,' 'holland-claithe,'[4] and other goods, to the value of xx li., from John Turnbule, brother of the Vicar of Innerlethane, furth of the Kirk of Innerlethane: *Item*, for art and part of the Theft of xij merks of gold and ſilver from Sir Williame Jurdane, furth of the ſaid Kirk.—David Tait of Pryn[5] became ſurety to ſatisfy the parties.

Stouthreif.

JAMES HUNTARE and Gilbert Huntare, ſons of the Laird of Polmude, convicted of art and part of the Stouthreif of half a 'ſudder' of hay from Thomas Freſal and his brothers, furth of Nethir Mynzeane.—Walter Huntare, ſon and heir apparent of the Laird of Polmude, became ſurety to ſatisfy the King and party, viz. each of them v li.

Resetting a Traitor — Fire-raising.

Nov. 18, (*dies Sabbati, ſexta dies Itineris.*)—THOMAS MYDDILMAST of Greveſtoun produced a Reſpite for Reſetting of James Elwalde and his accomplices, during the time the ſaid perſons committed Fire-raiſing and Burning of a 'Pele'[6] in Bothil, together with goods and utenſils to the value of iiij^{xx} li.[7] belonging to William Hair: And for being art and part of the ſaid Burning of the Place and goods foreſaid, being in the hands of our lord the King for the time, by reaſon of Ward.—Sir John Hay of Snaide, kn^{t}, Sheriff of Peblis, became ſurety.

Stouthreif of the Earl of Angus's lance.

SIR WILLIAM COKBURNE of Scraling, knight, came into THE KING'S will for art and part of the Stouthreif of a lance from a certain man of the Earl

[1] Cuidam proli. [2] Or zones; '*cingulorum.*' [3] Perhaps ſcarfs; '*flammearum.*' [4] Fine linen cloth, originally imported from the Low Countries. [5] Pirn. [6] *Peills*, or *Peylls*, were places of ſtrength or fortifications, generally conſtructed on natural or artificial eminences; and muſt have been very numerous in Scotland. The name, however, is often applied to Roman forts or *caſtella*. They ſeem to have been chiefly of uſe to retire to in caſes of ſudden attack or invaſion, as, from their ſize and ſtrength, they could not ſustain a protracted ſiege. [7] Fourſcore pounds.

of Angus; which had been his own lance, and was previouſly ſtolen by the ſaid man from his ſervant, the ſame day.

Slaughter.

EDWARD COKBURNE produced a Remiſſion for the Slaughter of Roger Twedy, in company with the Laird of Hennirlande.—William Cokburne of Hennyrlande became ſurety to ſatisfy the parties.

Slaughter—Stouthreif—Mutilation during Parliament.

SIR WILLIAM COKBURNE of Scraling, kn^t, James his brother, and John Pattonſoun, in Kingildurris, produced a Remiſſion for art and part of the Slaughter of Walter Twedy, ſon of John Twedy of Drava, in Peblis: *Item*, for art and part of Stouthreif of a ſword and ſhield from the ſaid Walter, at the ſame time: *Item*, the ſaid William and James, for forethought felony done to Andrew Twedy, within the town of Edinburgh, during the time of Parliament; and for Mutilating him.—Sir William became ſurety to ſatisfy the parties.

Burning of Covantoune—Slaughter, &c.

Nov. 19.—WILLIAM MURRAY of Newhall produced a Remiſſion for art and part of the treaſonable inbringing of John Douglas, Traitor, furth of England, the time he committed Fire-raiſing, Burning, and 'Hereſchip' upon the town and lands of Covantoune; extending in damages to the value of ij^m[1] merks and upwards, about thirty years laſt bypaſt: *Item*, of art and part of the Slaughter of William Boware, at the ſame time.—John Earl of Morton became cautioner to ſatisfy parties.—The ſaid William was amerciated in x l. as cautioner for his own appearance, and xl l. for the appearance of Alexander, John, Thomas, and William, his ſons, all of them having failed to enter.[2]

Stouthreif—Cattle-ſtealing.

(ITER *Juſticiarie de* EDINBURGHE, *Feb.* 26, 1501-2.)—WILLIAM TAIT, alias *Foule-thowmys*.—David Pringil, in Tynneis, became ſurety to Mr Richard Lauſoun for his entry at the next aire of Peblis, to underly the law for art and part of the Stouthreif of xxvj oxen from William Murray, furth of the lands of Halis, in Lothian, under the pain of xl li.[3]

[1] 2000 merks. [2] 'SUMMA totalis hujus Extractus, ij^c.lxxx li.' [3] There is nothing worthy of being noted of the proceedings of this Aire, which was of short duration.

[Iter *Justiciarie de* Jedworthe, *inchoata die Lune, ultimo die Octobris,* 1502, *coram* Andrea Domino Gray, *Justiciario, f. d. n. Regis, ex part australi aque de Forthe.*]

Adultery, &c.

Nov. 4, (*dies Veneris, tercia dies Itineris.*[1])—James Dauidsone, in Sprouftoune, produced a Remiffion for the theftuous wafting of the goods of John Cordonar, during the time he lay (in Adultery) with the faid John's wife. —Williame Cranftoune of that Ilk became furety to fatisfy the parties.

The Laird of Cavers amerciated, &c.

Nov. 6, (*dies Sabbati.*)—Robert Scott, fon of John Scot, in Dalloraine, called *Bellit Robin.*—William Douglas of Caveris, furety for the faid *Robin,* was amerciated for his not entering to underly the law.[2]—Scot to enter next air.

Stouthreif of Oxen and Horses.

Walter Scot of Edfchaw produced a Remiffion for art and part of the Stouthreif of viij oxen from Robert Laudir: *Item,* for the Stouthreif of iiij horfes and fundry other goods from him at the fame time.—John Scot of Valis became furety for the fatisfaction of the parties

Slaughter.

Richard Jak, junior, in Auld Roxburghe, convicted of art and part of the cruel Slaughter of Thomas Dun.—Beheaded.

Horse and Sheep-stealing — Burning of Hirdmanstoune, &c.

David Scot, called *Lady,*[3] in Stirkfchawis, produced a Remiffion for art and part of the Theft of a horfe, price xl f., and fundry houfehold goods, value xl f., from John Spedane furth of Blakhalche: *Item,* for art and part of the Theft of xl fheep ('wedderis') from John Spedane and Andrew Michelfone furth of Blakhalche: *Item,* for art and part of the treafonable in-bringing of the Robfonis, Doddis, and Charlis, Englifhmen, to the Burning of Hirdmanftoune, belonging to Adam Ruthirfurde: And for art and part of the Stouthreif of v horfes and mares, price xx l., from the faid Adam at the fame time: *And* for the Burning of certain corns, extending to ij^{c} bolls, price of each boll 3f. The lofs fuftained in Burning the houfes of Hirdmanftoune extending to x l.:[4]

[1] John Colthird, in Rutherfurde, was the same day convicted of art and part of the cruel Slaughter of John Jaksone and James Jaksone, and beheaded. [2] There is no mention made of the nature of his crime. [3] See Nov. 9 and 10, 1502. [4] It is likely there must be an error in the Record here, or that the fire had been very partial, and confined to a small part of the barns or other offices.

ITEM, for art and part of the treaſonable in-bringing of Archibald Armeſtrang, Ninian Armeſtrang, David Turnbull of Bonecheſtir, and other Traitors of Levin and Liddaliſdale, to the Burning of the places of Thomas Ꝯoung, Thomas his ſon, William Johneſone, and Symon Leich in Cragend of Mynto; and for the Burning of ſeven horſes belonging to them, at the ſame time; the loſs ſuſtained in Burning the foreſaid Houſes, and goods therein, being to the value of xl l.: ITEM, for art and part of the treaſonable in-bringing of the ſaid Traitors to the 'Hereſchip' and Stouthreif of xvj oxen and cows, iiij horſes and mares, from the ſaid Tenants of Mynto, ij cows from Margaret Urd, ij mares from Gilbert Johneſone, j mare from Symon Leiche, together with ſundry other goods to the value of xl li., plundered from the ſaid Tenants at the ſame time.—William Turnbull of Mynto became ſurety to ſatisfy the parties.

Slaughter.

NOV. 7.—GEORGE TURNBULL, in Wyndis, and twenty others of the name of Turnbull, (among others *Blew Johne.*) Alan Davidſone, tawbonare,[1] George Turnbull of Hawroull, Mark Ker of Dolphinſtoune, Thomas Turnbull of Bethroull, &c., were amerciated in xl l. for each of theſe perſons failing to enter and underly the law for art and part of the cruel ſlaughter of Robert Oliuer.

Stealing Horses, Cattle, and Sheep — Resetting Rebels, &c.

[THIS portion of the Register of the Justice-aire of Jedburgh affords numerous instances of the activity of the family of the OLIVERS in Stryndis, who appear to have made the most of the recent Michaelmas moon, the Goddess of the Borderers in their 'Herſchips' and forays! The most interesting and curious of these entries are those which follow, though other Murders, Stouthreifs, and 'Herſchips,' to a considerable extent, are also recorded.]

DAUID OLIUER in Stryndis, called *Dauid na gud Preiſt*, produced a Remiſſion for art and part of the Theft of xij oxen and cows from Sir David Hume, kn^t^, furth of Lawmer-mur: *Item*, for art and part with Thomas and Andrew Grymiſlaw in their theftuous deeds; and for Reſetting them at the time they were at the horn: *Item*, for art and part of the Theft of a mare from John Douglas, furth of Jedworthe: *Item*, for art and part of the Theft of two horſes and a mare, price of each viij merks, from William Pary, John Jameſone and Belly Ruſſel, furth of Neſbit: *Item*, for art and part of the Theft of xx ſheep, price of each vj ſ. from George Dowglas furth of Trowis.—Andrew Ker of Farnyhirſt became ſurety to ſatisfy the parties.

Sheep-stealing.

ROBERT OLIUER in Stryndis and David Oliuer there, produced a Re-

[1] Player on the *tawbroun, talbron*, or *tabberne;* a kind of drum.

miſſion for art and part of the Theft of xxxvj ewes (' ȝowis,') xl ſheep, and xxv ſheep, from William Ker furth of Dernewik-mure.—Andrew Ker of Farnyhirſt became ſurety to ſatisfy the parties.

Sheep and Cattle-stealing — Slaughter.

Robert, John (brother of Ingram), and David Oliuer in Stryndis allowed to compound, by virtue of a Remiſſion, for art and part of the Stouthreif of ij^{c} ſheep from the Tenants of Jedworthe, Rowcaſtell, Langtoune, and Bethroull: *Item*, the ſaid *Robert* and *John* for art and part of the Theft of vij oxen and cows from Philip Ormiſtoune, furth of Maxtoune: *Item*, the ſaid *Robert* for art and part of the cruel Slaughter of John Moffet: *Item*, for art and part of the Stouthreif of xxxiij oxen and cows, ij^{c} ' ȝowis' and ' wedderis,' iv horſes and mares, and ſundry other goods to the value of xl li., from John and Robert Barnisfader, furth of Kelſhop: *Item*, for art and part of the cruel Slaughter of Robert Brig, at the ſame time: *Item*, for Treaſon of old and new. —Mark Ker of Dolphinſtoune became ſurety for John Oliver, to ſatisfy the parties; and Andrew Ker of Farnyhirſt for the others.

Stealing Horses and Cattle — Stouthreif, &c.

Long John Oliuer, Little John O., and David O. in Stryndis, were allowed to compound, by virtue of Remiſſion, for Stouthreif of vj oxen, price of each xxx ſ., &c.[1] ' Unius eque,[2] precium x marc.; unius olle,[3] precium xxxij ſ.; alterius, precium xviij ſ.; unius toge de *Rowane-tanne*,[4] precium iiij li.; unius le *kirtill* de *braid red*,[5] precium iij li.; alterius ſubuncle, le *kirtle*, *braid rede*, precium iij li.; unius toge bronej,[6] precium xl ſ.; iv flamearum,[7] precium xxx ſ.; ij parium linthiamini,[8] precium xx ſ.; ij lodicum,[9] precium x ſ.; unius le *covering*, precium v ſ.; quinque ulnarum pannj, le *ſmale quhite*,[10] precium xx ſ; ij le *ſarkis*,[11] precium x ſ.; unius deploidis,[12] precium xxx ſ.; unius paris galligarum de *cariſſay*,[13] precium x ſ.; et aliarum rerum utenſilium ad valorem vij li.; a Martino Wode extra Quhitefelde: Et pro arte et parte Oppreſſionis facte dicto Martino eodem tempore.'—Mark Ker (of Dolphinſtoune) and Andrew Ker of Farnyhirſt became ſureties.

Intercommuning, &c. with the Duke of Albany.

Nov. 8.—Robert Anisle (near Dolphinſtoune?) produced a Remiſſion

[1] The rest of the enumeration is so curious, that it is proper to give it in the words of the Record. [2] A mare. [3] A pot. [4] A gown of Rouen tawny, (of orange colour.) [5] Of broad red cloth. [6] A brown gown. [7] Veils or scarfs. [8] Linen sheets. [9] Bed-sheets. [10] 5 Elns of small (narrow) white cloth. [11] Shirts. [12] A doublet, *quaſi veſtis duplex*. [13] A pair of kersey *galligaſkins*, ' ſhankis,' or hose.

for art and part with Alexander Stewart, formerly Duke of Albany, in his treasonable deeds, 'Hereschips,' and Stouthreifs.

Stouthreif — Slaughter, &c.

Robert Oliuer, in Lustruthir, Robert O., brother's son of David, James Oliuer, burgess, and Robert Walche in Mervynnis-law, produced a Remission for art and part of the Stouthreif of ij^{c} sheep, price 100 merks, xxix cattle, price three score merks, four horses, price xij l., and sundry other goods and utensils, value xx l. from John and Adam Barnisfader, furth of Kelshop: *Item*, for art and part of the cruel Slaughter of Robert Brig and Adam Barnisfader at the same time.—Ralph Ker of Prymsydloche became surety for satisfying the parties.

Stouthreif — Sheep and Cattle-stealing.

Ralph Anisle, near Dolphinstoune, produced a Remission for art and part of the Stouthreif of l^{c} sheep, x oxen and cows, from John Smyth, furth of Glengelt.—Mark Ker of Dolphinstoune surety to satisfy the parties.

Stouthreif in Company with the Armstrangis — Fire-raising, &c.

Hector Laudir, in Clerklandis, produced a Remission for art and part of the Stouthreif of xl cattle from John Scot furth of Hodum-House, in company with *the Armstrangis: Item*, for art and part of the Burning of the Place of Quhitslaide, &c. &c.—John Scot in Walis became surety to satisfy the parties.—Robert Scot of Stirkschawis also became his surety, for being art and part of the Stouthreif of three score 'zowis'[1] from John Thomsone furth of Hertberne, &c. &c.

Sentence of Death against the Olivers.

A Dome, *in falt of borowis,*[2] *gevin apone* þe Oliueris, *as followis,*

This Court schawis for law, That forsamekill as Robert Oliuer in þe Stryndis, Dauid Oliuer þar, Martine Oliuer þar, and Mathow Oliuer þar, has committit diverse Reiffis, Hereschippis, Slauchtaris, and Stouthis; ffor þe quhilkis þai have takin þame till oure soverane lordis Remissioun, and has refusit to synde sufficient souerteis for satisfactioune of parteis, as law will, efter þe forme of law: That þarfore the Sheref of Roxburcht, sall tak the saidis Robert, Dauid, Martine and Mathou, ande put þame in presone and sure keping, as he will answer, for þe space of fourty days; at the ische[3] of þe quhilk terme ande ende of xl dais, þe saidis souirteis being unfundin, as said is; þat þe saidis Robert, Dauid,

[1] Ewes. [2] Caution, surety. [3] Expiry, termination.

Martine and Mathow be had to þe Gallowſe and HANGIT quhill þai be dede. And þat I gife for dome.

Memd. þat þe ſaidis Robert Oliuer, David Oliuer, Martine Oliuer, aude Mathou Oliuer war deliverit to þe ſaid Sheref, incontinent eftir þe ſaide DOME, to be kepit and demanit as ſaid is, eftir þe forme of þe Dome foreſaide.

Slaughter — Stouthreik — Taking Ransom, &c.

John Faulo, in Litildene, produced a Remiſſion for art and part of the cruel Slaughter of David Henriſone, at the Kirk of Maxtoune: *Item*, for art and part of the Stouthreif of xx oxen and cows, v horſes and mares, and I^c ſheep, from Alan, John, and William Henriſone, furth of Murhouſlaw, in company with Thomas Grymiſlaw and his accomplices, the King's Rebels and at the horn.—George Fawlo of Wellis became ſurety to ſatisfy the parties.—He alſo produced another Remiſſion for art and part of the treaſonable taking of Thomas, John, Alan, and Thomas Henriſone, junior, furth of Murhouſlaw, in company with the King's Rebels, viz. the Ruthirfurdis, and carrying them to Chriſtopher Milburne and Bertholomew Mylburne, Engliſh-men, and detaining them there for the ſpace of three months: *And* for art and part of redeeming them, viz. '*ranſomyng*' at the rate of xx l. Scotch money: *Item*, for art and part of the Stouthreif of four ſcore oxen and cows, ij^c ſheep, from the ſaid Thomas, &c., furth of the Place of Murhouſlaw, price of each cow ij merks, price of each ox ij merks, price of each ſheep iiij ſ., &c. &c.—Walter Haliburtoune became ſurety to ſatisfy the parties for the 'ranſomyng' of the ſaid perſons; and Alexander Lord Hume, for the ſaid goods.

Bringing in the Traitors of Levin—Hereschip of Syntoune.

Nov. 9.—David Scot, called *Lady*,[1] produced a Remiſſion for art and part of the treaſſonable inbringing of the *Armstrangis*, Traitors of Levin, to the 'Hereſchip' and Stouthreif of nine ſcore oxen and cows, xx horſes and mares, and ſundry other things to the value of xl merks, from the Tenants of Syntoune.—He became ſurety, of conſent, to ſatisfy the parties.

Slaughter—Stouthreik of Cattle, &c.

James Gray in Fawliſhope, and William Dun in Quhitmer, produced a Remiſſion for art and part of the cruel Slaughter of Anthony Tayt: *Item*, for art and part of the Stouthreif of iv horſes from the ſaid Anthony, at the ſame time: *Item*, for art and part of the Theft of eight ſcore of ſheep from George Tait, furth of Pyrne, and xl ſheep furth of Gaithope, &c. &c.: *Item*, of a horſe

[1] For farther notices of this worthy, see Nov. 6 and 10, 1502.

and eighty ſheep from William Cleghorne: *Item*, of eight ſcore and ſix 'hoggs'[1] from George Tayt and his Tenants, furth of Pyrne and Sithop: *Item*, xvij 'gayt'[2] from John Cleghorne: And other goods to the value of xl ſ.—James Ker of Lintoune became ſurety to ſatisfy parties.

Slaughter—Resetting 'Hob the King,' and 'Dand the man,' &c.

WILLIAM KER in Quhitmere, James Elwande[3] there, and Alexander Gray in Grenehede, produced a Remiſſion for art and part of the cruel Slaughter of John Furde, in the town of Selkirk. Ralph Ker of Prymſydloche became ſurety to ſatisfy the parties.—PATRIK GRAY, with Ker and Elwalde, produced a Reſpite for Reſetting the ſons of William Elwalde, 'Hob[4] þe King,' and 'Dand[5] þe man,' in their treaſonable deeds; and ſpecially, in the Theft of nine ſcore of ſheep furth of Tweddale and Laudirdale.—James Ker of Lintoune ſurety to ſatisfy parties.

Concealing 'Paiſe Penneis.'

ROBERT LOFTHOUS[6] in Lyndene, CONUICTED of concealing certain 'paiſe penneis'[7] to the value of x merks, on his own Confeſſion.—BANISHED furth of Scotland. To remove within xl days, under pain of 'tinſal'[8] of his life.

Oppression — Stouthreif — Convocation, &c.

Nov. 10, (*dies Jovis.*)—ADAM DOUGLAS, and Robert, Henry, Symone, and George D. in Swynſyde, his brothers, permitted to compound for art and part of the Oppreſſion done to William Colvile of Ravinniſcrag, Robert Boyd, and John Kennedy, in taking and detaining them upon Levin,[9] and deſtroying iij horſes belonging to the ſaid perſons, at the ſame time: *Item*, for art and part of the Stouthreif of a ſword, a ſhield, a purſe,[10] and x l. therein, from the ſaid William Colvile at the ſame time: *Item*, for Convocation of the lieges, and coming upon Sir William Colville of Uchiltre, in Hordane,[11] wiſhing to ſlay him on forethought felony.—Ralph Ker of Prymſidloche, ſurety to ſatisfy the parties.

Oppression done to the Laird of Ochiltree.

ROBERT and HENRY DOUGLAS, brothers, permitted to compound for

[1] Sheep of one year old. [2] Goats. [3] Elwalde. [4] A familiar Border abbreviation for Robert, not *Halbert*. [5] Andrew. [6] Now *Loftus*. [7] See Note to Nov. 21, 1493. [8] Loss. [9] A district of Lancashire, then infamous for its '*Traitouris*' and '*lymmaris*,' who made numerous raids and forays every year on the least protected parts of the Scottish Borders. To do justice to the Borderers of the Scottish side, they were to the full as active as their Southern neighbours, and frequently penetrated as far as the heart of Yorkshire, and the adjacent counties. [10] 'Unius Mancipij,' which generally denotes a deed of conveyance, or title-deed. In the present instance, it may be figuratively put for some sort of purse or scrip. It is more probable, however, that the word has been erroneously transcribed from the Dittay by the clerk, in place of *marſupij*, (or *marcupij*, as it was sometimes written,) a purse. [11] Harden.

art and part of the Oppreſſion done to Sir William Colvile of Uchiltre, in occupying, labouring, and manuring his lands of Farneſyde and Hardane, and taking and keeping his Houſe or *Pele*,[1] in Hardene, without any Leaſe or title of law: *Item*, for the Theft of iij oxen from the ſaid Sir William Colvile, furth of Synlawis.—Ralph Ker of Prymſydloche became ſurety to ſatisfy the parties.

Reset—Intercommuning with the Armstrangis, &c.

Adam Scot, in Hawcheſteris, produced a Remiſſion for art and part of the theftuous Reſetting of ſix ſcore ſheep ſtolen by the Laird of Mynto from George Ruthirfurde, furth of Langnewtoune and Sandyſtanis: *Item*, for Reſetting, ſupplying and intercommuning with Archibald and Ninian Armſtrang, William Scot, and their accomplices, the Kingis Rebels.

Herescip of Syntoun—Slaughter, &c.

David Scot, (callit) *Lady*,[2] produced a Remiſſion, for art and part of the treſſonable in-bringing of the 'Armſtrangis,' to the 'Hereſchip' and Stouthreif of nine ſcore of oxen and cows, xx horſes and mares, and other goods and gear, to the value of xl merks, from the Tenants of Syntoune: *Item*, for art and part of the cruel Slaughter of George Newtoune and George Caveris, at the ſame tyme.—He became ſurety, with conſent of party.

Sheep-stealing—Stouthreif, &c.

David Scot, (callit) *Lady*, produced a Remiſſion for art and part of the Stealing of three-ſcore ſheep ('wedderis'), price of each vj ſ. viij d., from Ralph Ker, furth of Bradmedowis: *Item*, for airt and part of the Stouthreif of vj oxen and cows, and other goods and geir to the value of x merks, from William Atkin, and John his ſon, furth of Hanyng.—William Turnbull of Mynto became ſurety to ſatisfy the parties,

Oppression done to the Laird of Uchiltree.

John Douglas, brother to the Laird of Bon-Jedworthe, William his brother, James Douglas in Swynſide, John, Adam,[3] and John[4] his brothers there,[5] James Douglas in Onſtoune, George Douglas in Swynſide,[6] John Davidſone in Bank, William and George, ſons of the ſaid John, Criſtopher Davidſone, John Riddale, junior, of that Ilk, James Davidſone, ſon of Richard, convicted of art and part of Oppreſſioun and Convocation of the lieges, and coming upon Sir William Colvile of Uchiltre, kn[t], at his lands of Hardane-hede, in the year 1502.

[1] See Nov. 18, 1498, *Note*. [2] See Nov. 6, 1502, &c. [3] '*Remiſſio*.' [4] It was not unusual to call two or more sons by the favourite family name, which often occasions much confusion and embarrassment to genealogists, in preparing family histories. [5] '*Remittitur per Regem*.' [6] '*Remiſſio*.' These words are on the margin of the Record.

The Master of Angus amerciated, &c.

Nov. 12, (*dies Sabbati.*)—DAVIDSON, alias *Grace behind him.* George, Maſter of Angus, often called to enter Davidſone, *alias Grace behind him,* 'prout recepit eum in Portuferio,[1] et in defectu executionis ſui in amerciamento eſt primum Iter.—Amerciat x li.'

Burning the Place of Riddale, &c.

Nov. 14, (*dies Lune.*)—DAUID TURNBULL of (in ?) Toftis, allowed to compound under a Remiſſion for Reſſetting, ſupplying, and intercommuning with Robert Turnbull, called *Muriale,* the Kingis Rebel, and at his horn; and ſpecially, at the time of the Burning of the Place of the Laird of Riddale, and Stouthrief of twenty-four ſcore of ſheep, two cows, and ſundry other goods and utenſils; the loſs ſuſtained in the Burning of the ſaid Place, and 'Hereſchip' of the forſaid goods and utenſils, from the ſaid Laird of Riddale, extending to 200 merks: AND alſo, of the Slaughter of a black horſe at the ſame time, price x l., pertaining to Robert Scot: *Item,* for art and part, along with the ſaid Robert Turnbull and his accomplices, at the time of the Burning of the ſaid Place, and 'Hereſchip' of the foreſaid goods.—John Turnbull of Toftis became ſurety to ſatisfy the parties.

Resetting Richard Armstrang, &c.

PATRIK SCOT, ſon of Adam in Hardwodhill, produced a Remiſſion, for Reſetting Richard Armſtrang, called *Skaw,* in his Thefts: and ſpecially, in ſtealing 200 ſheep from David Hoppringill, furth of Fechane, in company with Alexander Scot.—Walter Scot of Howpaſlot, and Robert Scot of Stirkſchawis, became ſureties to ſatisfy the parties.

Stouthreif—In-bringing Sir John Musgrave, Englishman, &c.

ADAM TURNBULL, in Horniſhole, now in Chalmerlane-Newtoune, produced a Remiſſion for art and part of the Stouthreif of four-ſcore ſheep, ('wedderis,') from Ralph Ker and William Wode, furth of Bradmedowis: *Item,* for art and part of the treaſonable in-bringing of SIR JOHN MUSGRAVE, *Engliſhman,* and for Intercommuning with him at the ſaid time, in treaſonable manner, &c. &c.:[2] *Item,* for art and part of the Stouthreif of eight ſcore ſheep ('ȝowis' and 'wedderis,') furth of Hundaliſhop, &c.: *Item,* five ſcore ſheep from William Turn-

[1] L. B. *Portiforium.* This ſignifies he received him in *Porteous,* or roll. Porteous, portuass, porthouse, or portase, generally denoted a Breviary or Mass-book, from its being portable; but it was of old chiefly used, in Scotland, to signify a Roll of Dittays or criminal Indictments, which was given up by the Justice Clerk at each Aire to the Coroner, that the parties might be duly cited. The term is still used in practice, and 'the Porteous-Roll' is to this day regularly made up for each Circuit.
[2] The catalogue of crime which follows is of no interest, being petty Thefts of sheep, &c.

bull, furth of Aikwode, &c.: *Item*, three ſcore ſheep ('ʒowis' and 'wedderis,') from the Abbot of Kelſo and Ralph Ker, furth of Caldſchelis: *Item*, of art and part of the treaſonable in-bringing of *Archibald* and *Ninian Armſtrang*, to the Stouthreif of ten ſcore oxen and cows, and four ſcore horſes and mares from James Newtoune, furth of Syntoune.—The ſaid James became ſurety, &c. *Item*, for art and part of the Stouthreif of xvij oxen and cows, price of each 2 merks, a doublet,[1] a ſword, and xl ſ., two horſes, price of each 5 merks, xl ſheep ('wedderis,') price v ſ. vj d., three ſcore ſheep, price of each v ſ. vj d., from John Quhite, furth of the Hoſpital of St Leonard, near Peblis, at ſundry times. —Walter Scot of Howpaſlot became ſurety to ſatisfy the parties.

Burning of Selkirk—'Hereschip,' &c.

Adam Turnbull, in Horniſhole, now in Chalmerlane-Newtoune, produced a Remiſſion for art and part of the treaſonable in-bringing of Sir John Musgrave, *Engliſhman*, to the Burning of Selkirk and 'Hereſchip,' and Stouthreif of goods therein, to the value of 1000 merks, from the Inhabitants and tenants of the ſaid town.—George Turnbull of Hawroull and Bertholemew Turnbull in Rowflat, became ſureties to ſatisfy the parties.

Stouthreif—Horse-stealing—Resetting, &c.

Nicholas Ruthirfurde produced a Remiſſion for art and part of the Stouthreif of two horſes from the Prioreſs of Haddingtoune: *Item*, for the Stouthreif of a 'caldrone'[2] from the wife of Richard Ruthirfurte: *Item*, of a cow from Lawrence Pile: *Item*, for Stealing 5 horſes from the Earl of Huntlie: *Item*, for Stealing a horſe from Thomas Hall.—John Ruthirfurde of Hundole, and Thomas his brother, became ſureties to ſatisfy parties.—He alſo produced a Remiſſion for himſelf and Thomas R. in Grange, for Reſetting, ſupplying, and Intercommuning with the Ruthirfurdis, the Kingis rebels.

Stealing Horses from the Army at Norhame.

Nicholas Ruthirfurde, in Hindole, produced a Remiſſion for art and part of the Theft of five horſes from the Kingis Army of Norhame.—John Ruthirfurde (of Hundole?) became ſurety to ſatisfy the parties.

'Hereschip' of Fastheuche and Hangingschaw, &c.

Philip Turnbull, in Quhithop, and David Turnbull, in Carlingpule, produced a Remiſſion for art and part of the treaſonable In-bringing of the Thieves and Traitors of Levin to the 'Hereſchip' and Stouthreif of the goods being in Faſtheuche and Hangingſchaw, belonging to John Murray, &c. &c.

[1] 'Unius deploidis;' q. d. *duplex vestis.* [2] 'Unius cacobi, le *caldrone.*'

Resetting the 'Armstrangis' and the Son of the Laird of Tuschelaw.

PATRICK TURNBULL, in Walchope, produced a Remiſſion for Reſetting, Supplying, and Intercommuning with Archibald and Ninian Armſtrangis, and William Scot, ſon of David Scot of Tuſchelaw,[1] in their Stouthreifs, Slaughters, Burnings, and other crimes committed by them.

Slaughter—Burning of Bernchill—'Hereschip' of Mereclughe—Resetting Rebels, &c.

PETER TURNBULL, in Bonecheſtir, produced a Remiſſion for art and part of the cruel Slaughter of James Ruthirfurd, ſon of Adam, at the Kirk of Hawick: *Item*, for art and part of fortifying of the treaſonable Burning of the Place of Bernehill, and alſo of twelve ſcore bolls of oats, ſix ſcore bolls of bear,[2] and ſixty bolls of wheat, pertaining to George Ruthirfurde of Langnewtoune: *Item*, for art and part of the 'Hereſchip' of xxv oxen, xxviij cows, xvj 'ȝoung nolt,'[3] and three ſcore ſheep, from the ſaid George: *Item*, for art and part of the Burning of iij horſes, viij mares, and ſundry other goods, to the value of xx l., at the time of the Burning of Bernhill, pertaining to the ſaid George: *Item*, for art and part of Stouthrief of xl oxen and cows, v horſes and mares from John Grymiſlaw, furth of the Place of Camys, in company with the King's Rebels, viz. being Turnbullis, and at the horn, for art and part of the cruel Slaughter of James Rutherfurde: *Item*, for art and part of the treaſonable In-bringing of ſundry Engliſh to the 'Hereſchip' of Merch-cluche and Stouthreif of iv horſes and ſundry goods and gear from Robert Laudir, furth of Merecluche: *Item*, for art and part of taking the ſaid Robert at the ſame time, and detaining him in Bewcaſtill, in England, until he redeemed[4] himſelf: *Item*, for art and part of the Stouthreif of eight ſcore and ſix ſheep ('hoggis'),[5] from George Tait and his Tenants, furth of Fichop: *Item*, for art and part of Stouthreif of xvij goats, and ſundry goods and utenſils, from John Cleghorne, to the value of xl ſ. furth of Lethanehoip: *Item*, for art and part of the Theft of xl ſheep ('*ȝowis*,')[6] from Williame Cleghorne, furth of Lethanehope: *Item*, for art and part of the Burning of xxvj bolls of bear and xl bolls of oats, pertaining to George Ruthirfurde of Langnewtoune, in his Place of Sandyſtanis, in company with John Turnbull of Mynto and his accomplices: *Item*, for art and part of the Stouthreif of twenty four ſcore ſheep from the ſaid George Rutherfurde, furth of the ſaid Place of Sandyſtanis: *Item*, for Reſetting, ſupplying, and intercommuning with Mark Turnbull and John Turnbull, the Kingis Rebels.—Adam Turnbull of Bullirwell ſurety to ſatisfy parties.

[1] For the fate of a future LAIRD OF TUSCHELAW, and that of the celebrated JOHNNIE ARMSTRANG, see May 16 and 18, 1530. [2] Barley. [3] Young cattle. [4] Ransomed. [5] A year-old sheep, before losing its first fleece. [6] Ewes.

Burning and 'Hereschip' of Borthuicksheills.

Nov. 15, (*dies Martis.*)—Ewmund Armstrang,[1] in Liddalifdale, and George and Hector, his brothers, there, compeared by the King's command, and were accused of art and part of the Burning and 'Herefchip' of Borthuicfchelis, viz. iij^{c}[2] fheep, iij^{xx}[3] oxen and cows, xx horfes and mares, and fundry goods and utenfils, to the value of l^{c} merks, from Mark Ker of Dolphingftoun and the Tenants thereof.—They found Hector and George Armftrangis, brothers, as their fureties for fatisfying the parties.

Stealing a Stallion from the Earl of Levinox.

George Armstrang, brother of Hector, in Liddalifdale, compeared, and was accufed of art and part, along with one called Douglas, in his Thefts; and fpecially, in the Theft of a brown curfour,[4] price xxx 'Angel Nobillis,' from the Earl of Levinox, furth of Edinburghe.—He found Hector, his brother, cautioner to fatisfy parties.

Sacrilege—Plundering the Kirk of Jedworthe.

Robert Ruthirfurde, in Todlaw, produced a Remiffion for art and part of the Theft of certain 'cufcheis of filk,'[5] fheets, linen cloths, 'fuftiane,' 'fcarfs,'[6] and other clothes, furth of the Kirk of Jedworthe.—Robert Turnbull of Blindhalche became furety to fatisfy parties.

Forethought Felony, &c.

Alexander Wyndis of that Ilk, convicted of the forethought felony done to Philip Faula, on St Mary's day: *Item*, of art and part of the forethought felony done to the faid Philip, in riding to Branxhame.—Robert Scot amerciated xl l. for his non-appearance to underly the law.

Stouthreif and Hereschip of Oxen, Horses, &c.

Walter Turnbull, in Branxhame, produced a Remiffion for art and part of the Stouthreif of eight fcore and eight oxen and cows from Patrick Murray and John Murray, furth of Carterhalche: *Item*, for art and part of the 'Herefchip' of fundry goods and utenfils, to the value of three fcore merks, from the faid Patrick and John, furth of Carterhalche: *Item*, for art and part of the 'fpuilzie' of ij horfes, price xl l., from the faid John, furth of Carterhalche, in company with the Traitors of Levin.—George Turnbull of Hawroull and Robert Scot of Stirkfchawis, became fureties to fatisfy the parties.[7]

[1] See May 18, 1530, &c. [2] 300. [3] 60; three score. [4] Stallion. [5] Probably *cushions*, on which to place their Mass-books, &c. [6] Or surplices; '*flammearum*.' [7] 'Summa Totalis hujus Extractus (viz. Itineris Jufticiarie de Jedworthe), Ij^{m}.V^{c} xlj li.' (L.254I.)

CURIA *Itineris Justiciarie, inchoata apud burgum de* SELKIRK, *die Jovis, xxvij die mensis Novembris,* 1502; *coram* ANDREA DOMINO GRAY, *Justiciario, &c.*

Sheep-stealing—Stouthreif.

Nov. 28, (*die Veneris.*)—WALTER SCOT, son of Walter Scot of Edschaw, permitted to compound, under a Remission, for art and part of the Theft of four score sheep, price of each 5ſ., from William Ker, furth of Zare, &c.: *Item*, for art and part of the Theft of three score sheep, from Robert Broune and John Turnbull, furth of Selkirk, &c.: *Item*, for common Theft and Treason.—James Scot, in Askirk, surety to satisfy parties.—He was likewise permitted to compound, under another Remission, for art and part of the Theft of three score sheep, from the Abbot of Kelso and Ralph Ker, furth of Caldschelis. Robert Scot of Stirkschawis became surety to satisfy parties.—He was also allowed to compound, under a third Remission, for art and part of the Stouthreif of four score sheep ('wedderis') from Ralph Ker, furth of Braidmedowis, &c.—Surety the same as above.

Violent occupation of the Lands of Thirlestane.

Nov. 30, (*die Sabbati.*)—WILLIAM SCOT, in Thirlestane, came in the King's Will for art and part of breaking the King's Protection upon Sir Patrick Crechtoun of Cranstoun-Riddale, in occupying and labouring his set or assedation of Thirlestane, without a lease, from the said Patrick.—Walter Scot of Buccluche surety to the King and party.[1]

CURIA *Itineris Justiciarie, inchoata apud burgum de* PEBLIS, *die Lune, xxj die mensis Novembris,* 1502.

The Laird of Horne-Huntaris-Landis.

THE LAIRD OF HORNE-HUNTARIS-LANDIS being often called for suit and presence due for the said landis, and not compearing, was amerciated in defect of suit.[2]

CURIA *Itineris Justiciarie, tenta in Pretorio burgi de* EDINBURGHE, *die Sabbati, quarto die mensis Februarij,* 1502-3, *coram* ANDREA DOMINO GRAY, *Justiciario, &c.*

[1] 'SUMMA totalis hujus Extractus, Ic xv li.' [2] 'SUMMA totalis hujus Extractus, lijc li.' There were no cases of any interest; but a number of persons were fined for not giving suit and presence, among whom the instance which is noticed is the only remarkable one.

Slaughter of Edward Huntare of Polmude.

Feb. 4.—Gilbert Twedy, John Beres, and Andrew Chancellar.—John Twedy of Drummelzear, Walter Twedy in Hawmyris, and William Twedy there, became ſureties conjunctly and ſeverally for the entry of the ſaid Gilbert, &c. at the next Aire of Peblis, on the ſecond day thereof, before the ſaid Juſticiar, to underly the law for art and part of the cruel Slaughter of Edward Huntare of Polmude, under the pain of I^c merks for the ſaid Gilbert, xl l. for the ſaid John, and xl l. for the ſaid Andrew.—The ſaid Laird of Drummelzear declared in Judgement before the ſaid Juſticiar, that he had carried the ſaid Gilbert, &c. to the Tolbooth of Stirling, afterwards to the Tolbooth of Peblis, and likewiſe to the Tolbooth of Edinburghe, to underly the law for art and part of the cruel Slaughter of Edward Huntare of Polmude; and that they were prepared to underly the law, where and when it ſhould pleaſe our ſovereign lord the King, for the ſame Slaughter: And that the dilating of the ſaid matter ſhould not tend to their hurt. Upon which he aſked an act of Court.

Slaughter.

George Dikisone, in Peblis, declared in judgement that he had formerly entered in the Tolbooth of Edinburghe, afterwards in Peblis, and again in Edinburghe, to underly the law for art and part of the cruel Slaughter of Symon Dikiſone: And proteſted, that the dilating of this matter ſhould not tend to his prejudice; and that he was ready to underly the law, when and where it ſhould pleaſe our ſovereign lord the King: And thereupon aſked an Act of Court.

Curia *Itineris Juſticiarie, inchoata apud* Drumfreis, *die Martis, Aug.* 13, 1504, *coram* Andrea Domino Gray, *Juſticiario.*

Slaughter of a Chaplain.

Aug. 15, (*tercia die Itineris.*)—Robert Grersoune, in Drumfreis, produced a Precept of Remiſſion for art and part of the cruel Slaughter of Sir John M^cbrair, Chaplain, in the Town of Drumfreis.—William Douglas of Drumlangrig became ſurety to ſatisfy parties.

Burning the Town of Dumfries.

Aug. 17.—Gilbert Thomesone, Convicted of the theftuous taking of merchandize from the merchants of Drumfreis, at the time of the Burning thereof: *Item*, for art and part of the theftuous taking and concealing of xlv ſheep furth of Schellop: *Item*, of Common Theft, and common Refet of Theft.—Hanged.

Treason — Intercommuning with the Thieves of Eskdale.

ADAM BATY, CONVICTED of art and part with the King's Rebels, at the horn, being of 'Eſkale' (Eſkdale), in their Thefts and Treaſonable deeds: And for favoring, ſupplying and aſſiſting them in their Thefts: And of common Treaſon, of new.—HANGED.

Intercommuning with the 'Armstrangis' on 'Skir-Thurisday.'

THOMAS SCOT in Preſtiſ-dikis came in will for Intercommuning with the Armſtrangis, the King's rebels, being at his horn, on Thurſday called '*Skir-Thuriſday*,'[1] in the year 1504.—Sir Adam Murray, kn^t^, became ſurety to the King.

Destroying the Woods of Lochmabane, &c.

JAMES MONSE,[2] near Lochmabane, came in the King's Will for deſtroying the Woods of Lochmabane, Bukrig, Heichrig, Rammerſkalis, and Rowkell-park.—Gavin Murray, brother of the Laird of Cokpule, became ſurety to the King and party, iiij li.

Intercommuning with the Duke of Albany.

ROBERT RAMSAY, in Rammerſkalis, produced a Remiſſion for being with Alexander late Duke of Albany, in his 'Hereſchips' and evil deeds.

Salmon-Fishing in Close time.

JOHN PATTONSOUN, in Taſſeholme, CONVICTED of Fiſhing (Salmon) in the water of Annand, during the prohibited time, was amerciated in v l.—William Jarding, called '*braid-ſuerd*,' ſurety to the King and party.

Slaughter of the Laird of Dunwedy.

JOHN JARDING, in Sibbald-beſyde, produced a Remiſſion from the King, for art and part of the cruel Slaughter of Thomas Dunwedy of that Ilk, at his Place of Dunwedy.[3]—ROBERT BRIG, living with Alexander Jarding, alſo pro-

[1] SKYIR-THURISDAY, (*Maundoy-Thurſday* of the English Church,) the Thursday before Good Friday. It is also called *Holy Thurſday*, which is the proper derivation of the term, from E. *ſkeere* and A. S. *ſcir*, clean, pure. It was instituted in commemoration of the washing of the disciples' feet by our Saviour; and some have thought the English term thence originates, i. e. *dies Mandati*, '*Mandatum novum de vobis*,' &c.: But it rather seems to take its name from the *Maunds*, i. e. hand-baskets, in which the provisions, alms, and offerings to the poor were carried. [2] This name appears to be the same with that now known as *Mounsey*. It is a singular coincidence that Dr Mounsey, who sprung from the lowest origin in the vicinity of Lochmabane, lived to become proprietor of the estate of Rammerscales, &c. here described. [3] The Lairds of the family of *Dunwiddie* were, unhappily, like many others in these unsettled times, subjected to the violence of their neighbours. Only eight years afterwards, (about 1512,) 'The Laird Dinwiddie was ſlayne in Edinburgh by two perſones, who eſchaped by taking the Sanctuarie of Holyroodhouſe, a ſaufgaird much reſpected in thoſe days.'—*Anderson's MS. Hist.* Adv. Library. *Sir James Balfour* adds, 'by the JARDANS.'—*Annales*, I. 235.

duced a Remiſſion for being art and part in the commiſſion of the ſame crime.—The ſaid Alexander Jarding became ſurety to ſatisfy the parties.

Slaughter of the Laird of Mouswald.

Thomas Bell of Curre.—The Laird of Caſtelmylk being often called to enter Thomas Bell of Curre to underly the law for art and part of the cruel Slaughter of the Laird of Mouſwald, under the pain of I^{c} l., was amerciated for his non-appearance. The ſaid Thomas denounced at the horn.—Stephen Johnstoune was alſo denounced Rebel for not appearing to underly the law for the ſame crime; and William Purdum portioner of Myddilbe was amerciated, as his ſurety, in xl l.

Stouthreif of Horses, &c.

Robert Dunwedy, ſon of the Laird of Dunwedy, and Gavin Johnſtoune, were admitted to our ſovereign lord the King's compoſition, for art and part of the Stouthreif of four horſes price xl l., two candleſticks, one goblet, with ſundry other goods worth xx l., from Bartholomew Glendunwyne, in company with the Laird of Johnſtoune and his accomplices.—Sir Thomas Kirkpatrick of Cloſbarne, kn^{t}, became ſurety for the ſaid Robert; and Adam Johneſtoune of that Ilk became ſurety for the ſaid Gavin, to ſatisfy parties.

Resetting a Common Thief.

Nicholas Dunwedy, in Dunwedy, called *Gait-fut*,[1] Convicted of Reſetting Adam Corry, common Theif, in his theftuous deeds.—Hanged.[2]

Special License, Respite, and Protection to the Tenants, &c. of the Archbishop of Glasgow, until his Return from Rome.

[The following document will on all accounts be deemed interesting. It is thus entitled in the Record, 'Hæc eſt vera copia Reſpectuacionis Epiſcopi Glaſguen., &c.' Notices of a very great many 'Specialle Reſpuyttis' of this description are to be found in the Register of the Privy Seal, but comparatively few are engrossed at length in the Register. The purpose of obtaining such Licenses was, not only that they should serve the individuals concerned as passports in foreign countries, but that they and their vaſſals might be fully protected in their persons and properties, until a reasonable time after their return to Scotland, (usually *forty* days.) This device effectually preventedthem from being pursued criminally and put to the horn during their absence, and also operated as a bar to judgments passing against them by default in civil cases.

Notices of some similar Protections are preserved in the Appendix to the Trials during this and subsequent reigns.]

Aug. 28.—Specialle Respuyt *in favor of the 'men, kin, tenentis,*

[1] Goat foot.

[2] 'Summa totalis hujus Extractus, (viz. Itineris de Drumfreis,) I^{m}viij^{c}lxxxvij l.' (L.1887.)

factouris and ſervandis' of Robert Archbiſhop of Glaſgow, and eſpecially for the ſlauchter of umquhile Thomas Ruthirfurde within the Abbay of Jedworthe.

JAMES be the Grace of God King of Scottis. To all and ſindri oure Wardanis, Lordis of Counſale and Seſſioune, Juſtices, Sheriffis, Chalmerlanis, Juſtice-Clerkis, Crownaris, and þair deputis, Proveſtis and baillies of borowis, and all uþiris our officeris, leigis and ſubditis, ſpirituale and temporale, quhome it efferis; to quhais knawlage thir oure Lettres ſal cum, greting. WIT YE, that forſamekle as ane maiſt reverende faider in Gode, and our traiſt conſalour, ROBERT ARCHIBISCHOP OF GLASGW and Commendatour of oure Abbay of Jedworthe, is now, of oure ſpeciale Licence, benevolence, and fredome, to paſs to þE COURT OF ROME, in certane materis and chargis of ouris: And for þe fulfilling of his Pelgramage and uþiris errandis he has þair ado, WE have þairfore takin þe ſaid maiſt reverende fader his Metropolitane Kirk of Glaſgw, þe Dene, Cheptour, Vicaris-generalis and Chanonis of the ſamyn, þe ſaid Abbay of Jedworthe and convent þairof, and all and ſindri þe Kirkis, landis, rentis, poſſeſſionis, tendis,[1] fructis, revenus, poſſeſſionis, priuilegis, rychtis, fredomis, caſtellis, towris, fortalicis, maner placis, grangis, wodis, lowis,[2] fiſchingis, orchatis, medois, and al vþir proffetis and dowetis[3] quhatſumevir pertenyng þairto; his Denis, Chalmerlanis, firmaouris, factouris, procuratouris, intromettouris, his men, tenandis, ande ſervandis, þair takis, malingis, cornis, catell, and all and ſindri þair guids, movabill and unmovabill, ſprituale ande temporale, quhatſumever þai be, within our realme; undir oure ſpeciale protectioune, mentenans, defenſe, ſuple ande ſaifgarde. AND atoure,[4] We have RESPUTT, ande be þir oure Lettres, in þe law and by þe law, ſpeciale Reſputis, all actionis, cauſis and querelis quhatſumevir, belanging ws or any uþir perſone or perſonis, movit, or to be movit, aganis þe ſaide maiſt Reverend fader, his men, kyne, tenentis, frendis, familiaris, factouris and ſervandis: And ſpecialie, ane Reverend fader in Gode, and our traiſt conſalour, ANDRO BISCHOP OF MURRAY, ane Reverende fader ANDRO ABBOT OF CULROSE, his Abbay and convent, Andro Blacader of þat ilk, Schirris Johne Forman of Ruthirfurde, Baldrede Blacader, knychtis; Adam Blacader, Johne Heriot, Charlis Blacader, Schir Johne Scherare archdene of Roſſe, Maſter Archibalde Layng vicare of Colmonel, Thomas Kennedy of Bargany his fermour, Jonet Layng his ſiſter, Schir George Akinhede, Schir William Wilkinſone, Schir Robert his broþir, David Congiltoune, Malcum Blair, Dame Elizabeth Edmonſtoune lady of Tullyallane, Patrik Blacader hir ſone and aire, Johne Maxwell of Nethir Pollock, Johne Maxwel his ſone, Alane Stewart of Cardonalde, Patrik Colquhyn of þe Glene, David Broſe[5] of Clakmannane, kyt, Johne Naper of Merchaniſtoune, Eufame Formane, Thome Huntar, William Manderſtoune in

[1] Teinds, tythes. [2] Lochs, lakes. [3] Duties. [4] Moreover. [5] Brois, Bruce.

Hertſide, Patrik Bigholme, Patrik Heriot, George Heriot his broþr, Johne Cokburne, Johne Bully, George Douglace of Bone-Jedworthe, Andro Douglas, Johne Douglas, Robert Douglas, William Douglas, Maſter Stevin Douglas, David Forſithe of þe Dikis, Johne Douglaſe in Jedworthe, Margaret Blacader lady of Carnſchallo, Johne Maxwel hir ſone and aire, Johne Ralſtoune of þat ilk, Johne Maxwel of Aikinhede, Schir Johne Rankin Vicare of Girwane, Maſter Johne Blacader Perſone of Kirkpatrik-Flemyng, Schir Patrik Blacader Perſone of Ranpatrik, David Douglace in Jedworthe, James Douglace in Vulſtoune, Maſter Thomas Murhede Perſone of Lyne, Schir Andro Marſchell his fermour, Robert Blacader ſone and apperand aire to Andro Blacader of þat ilk, George Hume of þe Spote, James Weir, Hew Weire his ſone, Hew Weire elder, William Huchonſone, Thom Huchonſone his ſone, Thome Smyth, Andro Clerkſone, Johne ȝoung, Stevin Lythgw, Johne Grahame, Lowen[1] Cadȝeu, Thomas Tuedy, Johne Huchonſone, Peter Loky, Johne Twedy of Drummelȝare, Marc Trumbill, Adam Trumbill of Philophauche, Williame his ſone and apperande aire, James Turnbule in Kirkhop, James Trumbill in Gargonno, Robert Murhede, Johne Adamſoune, Robert Scot in Hanyng; and all and ſindrie utheris his men, kyne, tenentis, factouris and ſervandis, alſe weil at[2] ar nocht ſpecefit as ſpecefit, þair beneficeis, landis, takis, malingis, rentis, poſſeſſionis and gudis, to ceſe and reſt fra þe day of þe paſſing of þe ſaid maſte Reverend fader furthe of oure realme, quhill[3] his retornyne and comyne agane in þe ſame, and fourti dais þaireftir. And mare-atoure,[4] We have Exemit,[5] and be þir our letteris, ſpecialie Exemis al þe perſonis abone expremit, alſe weil nocht nemmit as namyt, fra al comperence to Juſtice airis, Chalmerlanis-airis, Wardane-courtis, Seſſionis, Sheref-courtis, and al uthir Courtis, for all þe time abone writtin. And inlikwiſe, We have respuyt, and be þir preſentis in þe law and by þe law, ſpecialie Reſputis all þe foreſaidis perſonis and all utheris, alſe weile nocht nemmit as nemmit, quhilkis ar or ſal happin any tyme to cum, induryn þis oure Reſpuit, to be indictat, attechit or accuſit for þe ſlauchtir of umquhile Thomas Ruthirfurde, committit and done within our Abbay of Jedworthe; or for art and part, aſſiſtence, rede, counſale or being in þe ſame, remanyng, or way-paſſing with þe ſlaier or ſlaieris, or for lying furthe and non-entre to our lawis fore þe ſame; or for gadering and convocatioune of our liegis, þe ſaid tyme, or þeireftir; and for al cryme, actioun, and cauſe þat may be input to þame, or any of thame tharthrouch; exceppand[6] þame þat ſlew the ſaid Thomas with þair handis, to be unattachit, unarreſtit, uncallit, unconvenit, unſummonit, unchalhangit, unvexit or trublit, in þe law, or by þe law, in þair perſonis, þar borowis,[7] landis, and gudis quhatſumevir, for oure unlawis of

[1] Perhaps for Lowrie; Laurence. [2] As well those that (or who). [3] Until. [4] Furthermore. [5] Exempted. [6] Excepting, saving. [7] Cautioners, sureties.

non-comperence to owr lawis, or ony uthir maner of way for þe ſaid ſlauchtir, and actionis foreſaid, or any part or pont[1] þairof, as ſaid is. AND alſe, Reſplacis and continuis þe puttin of þame, and ilkane of þaim to our horne, for non comperence to underlie our lawis for þe ſaid ſlauchtir, or ony pont of þe premiſſis, induring all þe tyme of þis our ſpecialle Reſpuyt. QUHARFOR, We charge ſtratlie, and commandis all and ſindri oure officiaris, liegis, and ſubditis foreſaidis, þat nane of ȝou tak apoune hande, til do or attempe ony thing incontrare, or breking of þis our ſpeciale Licence, protectioune, and reſpuyt, for all the tyme abone expremit, under all þe heaſt pane,[2] charge, and offence, þat ȝe and ilkane of ȝou may committ and inrine,[3] aganis our maieſte, in þat part: Thir oure Letteris, fra þe day of þe paſſing of þe ſaid maiſt Reverend fader furthe of our realme, quhil his retornyne and cumyn agane within þe ſamyn, and fourty dais þaireftir to indure, as ſaid is: Providing allvais, þat þis our Reſpuyt, nor exemptioune, ſal nocht extende to na crymis, quhilkis ſalbe committit eftir þe dait of þe ſame. GEVIN undir our Prevay Sele, at Drumfreis, þe xxviij day of Auguſt, þe ȝere of Gode ane Thouſande five hundrethe and foure ȝeris, and of our reigne þe xvij ȝere. AND nochtwithſtanding þis oure Reſpuit, We wil þat all þe perſonis contenit in þe ſamyn, except þai þat paſſe with þe ſaid maiſt Reverend fadir, in propir perſone, ſal anſuer to al partiis apoune dettis, in quhat Court þai be convenit, except oure aune propir dettis. JAMES R.

Treason — Wounding (Slaughter?) of the Laird of Craganis.

[JOHN MASTER OF MONTGOMERY (or of EGLINTOUN, as he is styled in the Peerages) was the second, and then surviving son, of Hugh *third* Lord Montgomery, a distinguished nobleman, who had been a strenuous supporter of the Prince at the Field of Stirling, and for his services was afterwards created Earl of Eglintoun. The crime for which the Master was here summoned, was for the Wounding of William Cuninghame of Craigends. The Maſter of Eglintoun was killed on the streets of Edinburgh, April 28, 1520, in the memorable Feud between James *firſt* Earl of Arran and Archibald *ſixth* Earl of Angus, best known by the *sobriquet* of *Cleanse the Causeway*.

The authority for the nature of the crime for which the Master was charged, is the following brief notice from Sir James Balfour's treatise, '*De jure Prælationis Nobilium Scotiæ*.'[4] 'ITEM, I find that Johne, Maiſter of Montgomerie, is ſummonit to underlay the lau and cenſur of Treſſone, for the vounding of Villiame Cuninghame of Craiganis.']

Jan. 20, 1505-6.—Quo die, JOHANNE MAGISTRO MONTGUMRY, ſepe vocato per literas Summonicionis domini noſtri Regis, ad reſpondend. ſuper certis proditorijs accionibus in dicta Summonicione contentis; et non comparen. continuatur ad diem Martis, tertium diem menſis Februarij proximo futuri, cum continuacione dierum et horarum.[5]

[1] Point. [2] Highest pain. [3] Literally *in-run*, incur. [4] *Carmichael's Tracts*, p. 89.
[5] *Acta Parl.* II. 262.

High Treason.

(Jan. 20.)—Quo die, Donaldo Makranald Bane, ſepe vocato per literas Summonicionis domini noſtri Regis ad reſpondend. ſuper certis proditorijs actionibus in dicta Summonicione contentis; et non comparen. continuatur ad diem Martis, tertium diem menſis Februarij proximo futuri, cum continuacione dierum et horarum.[1]

High Treason—Assisting Donald of the Isles, &c.—Fire-raising and 'Herreschips' in Badenoch.

[As the various Feuds, Treasons, &c. connected with the Isles fall to be treated of at large in Mr Gregory's History of the Hebrides, it is unnecessary to enter on the subject in this place. It may, however, be proper to remark, generally, that Macleod and Donald Ila's fathers married two sisters. The former married Lady Katherine Campbell, in 1498, and the latter (Angus Macdonnel, natural son and heir of entail of John Earl of Ross and Lord of the Isles), Lady Mary Campbell, the *seventh* and *fifth* daughters of Colin *first* Earl of Argyle. In the Appendix to the Trials which occurred during the reign of King James IV, the reader will find many interesting notices in relation to this and other similar cases.]

Feb. 3.—Torculane (Torquill) Makcloide of the Lewis.—The quhilk day, in Parliament, ſittande oure ſouerane lorde the King, his thre Eſtatis the ſamyne tym gaderit, Johnne Ogilby, Scheref-deput of Inuernes, preſent ane letter of Summondis vnder þe quhit walx and teſtimoniale of þe Gret Sele, of þe quhilk þe tenour followis, with þe tenour of þe executioune þairof execute be þe ſaide ſcheref-deput.

Summonicio Forisfacture Torculani Makcloide de Lewis.

Jacobus Dei gratia Rex Scotorum: Vicecomiti et ballivis ſuis de Inuerneſe; necnon dilectis noſtris Bute, Ormonde, Signiferis; Dauid Tempilmane, Duncano Riche, Jacobo Muſchete, Ricardo Broune, Johanni Coupare, Nuncijs, et eorum cuilibet conjunctim et diuiſim, vicecomitibus noſtris in hac parte, ſalutem. Mandamus vobis et precipimus, quatenus ſummoneatis legitime et peremtorie coram teſtibus, Torculum M'cloide de Lewis, perſonaliter, ſi eius preſenciam commode habere poteritis, ſin autem apud ſuum proprium locum habitacionis, ſi ad eundem tutus pateat acceſſus, ve alioquin apud Crucem foralem Burgi noſtri de Inuernes per publicam proclamationem, ſic quod dicte Summonicionis notitia ad eius aures deuenire poterit, quod compareat perſonaliter coram nobis ſeu noſtro Juſticiario, in noſtro proximo Parliamento, tenend. in pretorio Burgi noſtri de Edinburghe tercio die menſis Februarij proximo futuro, ſi dies illa juridica fuerit, alioquin proxima die juredica inde ſequente, hora cauſarum, cum continuatione dierum, ad reſpondend. nobis ſeu dicto Juſticiario, pro proditorijs arte, parte, et affiſtencia factis et exhibitis Donaldo Yla, baſtardo filio quondam

[1] *Acta Parl.* II. 262. No farther notice of this case occurs.

Anguſij de Inſulis, eciam baſtardi filii quondam JOHANNIS DOMINI DE INSULIS, capiendo ſecum parte inuadendo ligeos noſtros Dominij noſtri INSULARUM, et diſtruendo eoſdem bellico modo, ad effectum et finem ut idem Donaldus eſſet DOMINUS dicti Dominii de INSULIS: ET pro proditorio deliberacione dicti Donaldi LAUCHLANO MAKLANE de Dowart, et poſt poſitione deliberacionis eiuſdem nobis, contra noſtra mandata: AC proditorie Inuaſionis et Combuſtionis noſtrorum ligeorum, in Badȝenach, in feſto Natiuitatis Domini in anno Domini Milleſimo quingenteſſimo tercio, et aliorum noſtrorum ligeorum diuerſis temporibus: ET pro proditorijs Incendiis et Rapinis predictis et aliis diuerſis temporibus, bellico et hoſtili modis factis: ET eciam pro proditione facta per dictum Torculum in offencione noſtre regie maieſtatis, in Rapina et detencione a noſtris Officiariis, in executione eorum officii, noſtrarum Literarum, viz. cuiuſdam Summonicionis emanate ad inſtanciam noſtram contra dictum Torculum et directe Gilpatrik Cori noſtro Nuncio et officiario in hujuſmodi execucione, existen. viceſſimo ſeptimo die menſis vltimi elapſi; et alterius Summonicionis eciam emanate ad inſtanciam noſtram directe Vicecomiti et Balliuis noſtris de Inuerneſe ſuper dictum Torculum, ſuper diuerſis proditoriis actionibus, contra dictum Torculum: ET pro proditoriis factione et compoſitione Ligarum cum diuerſis noſtris ligeis, et eciam cum noſtris Rebellibus contra noſtram auctoritatem regiam, in Inuaſione noſtri regni et ligeorum noſtrorum in diuerſis Depredacionibus et Combuſtionibus, Rapinis, et Homicidiis, et aliis criminibus: ET vlterius, ad ſubeundum magnam Aſſiſam, ſecundam formam accuſationis et Indictamenti deſuper conficiend.: Intiman. dicto Torculo quod ſiue dictis die et loco cum continuatione dierum comparuerit ſiue non, nos nichilominus ſeu dictus noſter Juſticiarius premiſſis, juſticia mediante, procedemus et procedet: Et uos qui preſentes executi fueritis ſitis ibidem dicto die, haben. vobiſcum Summonicionis veſtre teſtimonium et hoc breve: Ad quod faciend. vobis et veſtrum cuilibet coniunctim et diuiſim in hac parte committimus poteſtatem. DATUM ſub teſtimonio Magni Sigilli noſtri Apud Edinburghe, decimo tercio die menſis Decembris anno regni noſtri decimo octauo.

Indorſatio ſive Executio dicte Summonicionis.

THE xxiiij day of þe moneth of December, the ȝere of God J^m.V^c. and v ȝeris, I JOHNE OGILBY Scheref-deput of Inuernes, paſt with thir our ſouerane lordis lettres, and ſoycht TORCULANE MAKCLOIDE of þe Lewis, and becauſe I cuth nocht apprehende him perſonaly, nor þair was na ſure paſſage to me till his duellinge place, I paſt to þe merkat corce of þe Burgh of Inuernes at xj houris befor nwne, and þair be oppin proclamatioune maid at þe merkat croce, I ſummonde, varnit and chargit the ſaide Torculain Makcloid of þe Lewis to compere befor our ſouerane lorde þe King or his Juſtice in þe tolbuth of Edinburghe, þe thrid day of Februar nixt tocum, in þe hour of cauſe, with continuacioune of dais, to anſuere to our ſouerane lord or his Juſtice, for þe treaſonabil art, parte and affiſtans takin and done with DONALDE ILA, baſtarde ſone to Angus of þe Ilis, baſtarde, takand pairt with him and

Inuadande our ſouerane lordis liegis of ꝑe Ilis and diſtroyeand thaim, to ꝑe effect ꝑat ꝑe ſaid Donalde ſuld be Lorde of ꝑe Ilis; and apone all punctis and articulis in ꝑir our ſouerane lordis lettres, and eftir ꝑe forme of ꝑe ſamyn; and ꝑis I did befor ꝑir Vitnes, Johne of Chalmer, Robert Innes, Alexander Michelſone, Johne Auchinlek Alderman of Inuernes, Johne Cuthbert, Johne Vaus, Ballies of ꝑe ſaid burgh, James Donaldſone, Alexander Anderſon, Henry Auchinlek, ... Paterſone, Johne of Ruthirfurde, Sir Villiam Paterſone Perſone of Balliefkan, and Sir Jo . . . . . ke Chaplane and Notar public, with oꝑeris diuerſe; and for ꝑe mare vitniſſing of ꝑis execuſione I haue affixit my ſignet to ꝑir preſentis.

The quhilk execucioune was provit be ꝑe ſaide Scheref-deput and his twa witnes, ꝑat is to ſay, Johne of Rutherfurde and Alexander Patoneſone. The quhilk citacioune, Summondes and execucioune beande rede and lauchfully previt, as ſaid is, ꝑe ſaid Torcule Makcloid beande oft tymes callit and nocht comperit, lauchfull tym of day biddin, the ordour and proceſſe of ꝑe ſaide Summondis at lentht ſene, harde and vnderſtande, and lauchfully procedit; in ꝑe name and behalf of our ſouerane lorde, Maiſter James Henriſone, Aduocat to his hienes, aſkit and inquirit, in his name and autorite and of his ſpeciale commande, at ꝑe Lordis, Baronis, and Commiſſariis of Burrovis, thare warde and cenſment of Parliament, gif the ſaide Torcule Mᶜcloide hade committit and done Treſſone till our ſouerane lorde and his realme, in ꝑe punctis and articulis abone writtine: The quhilkis Lordis and Eſtatis beande auiſit, ripelye wardit and deliuerit, ꝑat ꝑe ſaide Torcule Maccloide has committit and done opin and manifeſt Treſoune, in thir punctis efter folloing, contenit in ꝑe ſaide Summondis, That is to ſay, for the treſſonable art, part and aſſiſtence gevin and done be him to Donalde Yla, baſtarde ſone of vmquhile Anguſe of ꝑe Ilis, alſua baſtarde ſone of vmquhile Johne Lord of ꝑe Ilis, be Inſurrectione and takand his part,[1] to ꝑe intent that ꝑe ſaide Donalde ſuld tak apone him ꝑe Kingis propirte, and to be Lord of the Ilis: And for ꝑe treſſonable deliuering of ꝑe ſaid Donalde to Lauchlane Maklane of Dowert, to ꝑe intent forſaide. And for ꝑe treſſonable withhalding of him fra his hienes, and non deliuering of him in contrar ꝑe commande of his diuerſe Lettres directe to him ꝑairapone. And for ꝑe treſſonable Reving[2] and withhaldin of his hienes Lettres fra his Officiarie of Armez, callit Gilpatrik Cor, quhilk execute ꝑe ſamyn apon the xxvij daye of October laſt bypaſt: And for ꝑe treſſonable (making of) Ligis and Bandis[3] with our ſouerane lordis Rebellis, in treſſonable wiſe, as is contenit in ꝑe Summondis befor expremit. And tharefter it was gevin for Dome, be ꝑe mouthe of Johne Jardin, Dempſtar of Parliament for ꝑe tym, in forme and maner as efter followis:

Dome or Sentence of Forfeiture.

This Court of Parliament ſchawis for law, and I gif for Dome, that Torcule Makcloide of the Lewis has committit and done Treſſone agane our ſouerane lorde and his realme, in ꝑe ſpeciale pointis of Treſſonis and crimez forſaidis,

[1] The following words are deleted from the Record. [2] Taking by violence. [3] Leagues and Bonds, binding the parties to mutual assistance in all their quarrels, &c.

contenet in the ſummondis; for the quhilkis he has forfalt till our ſouerane lorde his life, his landis,[1] his gudis, offices, and all vther his poſſeſſionis quhatſumeuir he hade within þe Realme of Scotlande or Ylis, euermar to remane with our ſouerane lorde, his aieris and ſucceſſouris, for his treſſonabile offence: And þat I gif for DOME.

Slaughter of a Messenger at Arms — Convocation, &c.

(Feb. 3.)—JOHN LINDISSAY OF WAUCHOP.[2]—Robert Lorde Crechtoune of þe Sanquhare, Scheref principall of Drumfreſe, preſentit ane Lettir of Summondis vnder þe quhite walx and teſtimoniale of þe Grete Sele; of þe quhilk the tenour followis, with þe tenour of þe executioune þairof, execut be þe ſaid Scheref principale.

Summonicio Forisfacture Johannis Lindiſſay de Wauchop.

JACOBUS Dei gratia Rex Scotorum: Vicecomiti et Baliuis ſuis de Drumfreſe, ſalutem. Mandamus vobis et precipimus, quatenus ſummoneatis legitime et peremptorie coram teſtibus, JOHANNEM LINDISSAY DE WAUCHOP, perſonaliter, ſi eius preſenciam commode habere poteritis, ſin autem apud locum ſue habitationis, ſi ad eundem tutus pateat acceſſus, alioquin per publicam proclamacionem apud Crucem fori Burgi noſtri de Drumfreſe, quod compareat perſonaliter, coram nobis ſeu noſtro Juſticiario, in noſtro Parliamento tenend. in pretorio Burgi noſtri de Edinburghe, tercio die menſis Octobris proximo futuri, ſi dies illa Juridica fuerit, alioquin proxima die Juridica inde ſequen., hora cauſarum cum continuacione dierum, ad reſpondend. nobis ſeu dicto noſtro Juſticiario, ſuper proditorijs arte et parte crudelis Interfectionis quondam Bertholomei Glendinwyne, Officiarij et Vicecomitis noſtri in hac parte, et quondam Simonis Glendynwyne ſui fratris in ſua commitiua, in executione ſuj officij Vicecomitis noſtri in hac parte, noſtraſque literas haben., ad diſtringendum et namandum terciam partem terrarum de Wauchop, quondam Mergrete, ſponſe quondam Johannis Lindiſſay, patris ipſius Johannis pertinen.: ET pro ſuis proditoriis arte et parte Conuocationis et congregationis noſtrorum liegiorum, pro commiſſione hujuſmodi Homicidii ſuper predictis Bertholomeo noſtro Vicecomite et officiario et Symone, in executione dicti officij Vicecomitis noſtri in hac parte: ET pro ſua proditoria confectione Ligarum ſeu Obligationum, cum noſtris ſubditis, and ligeis contra

[1] Mar. 6, 1507-8. Charter by James IV. at Edinburgh, granted 'ODONI (Y) MAKKY in Strathnaverne, pro fideli et gratuito ſervicio Regi impenſo, ac inpoſterum in reſiſtacione et invaſione Rebellium Regis impendendo,' &c. of the lands of Assent and Ladochchogithe, in the shire of 'Inuernyſe,' pertaining to the King, in consequence of the forfeiture of Torquel Makcloid, formerly of Lewis, for his lifetime, with power to let the same, &c. *Reg. Mag. Sig.* XIV. 464.

[2] In *Sir James Balfour's* Treatise, 'De jure Prælationis Nobilium Scotorum,' he remarks, 'In the penult of October, in anno 1505, John Lindesay of Vauchope ves forfaultit for the cruel Slaughter of one Bartholomou Glendinning, Meſſinger, and Simon his brother, quha ver poynding the lands or three pairts of the lands, at the inſtance of Margaret umquhill ſpouſe to Johne hes father.' *Carmichael's Tracts*, p. 89.

nos et noſtrum regnum, in quantum in eo eſt, omnino vſurpando: Ac committendo ſuper noſtros veros ligeos Depredaciones, Rapinas, et Incendia, proditorio modo, infra vicecomitatos noſtros de Drumfreſe et Roxburgh, aliaſque regni noſtri partes, in quammagnum noſtre autoritatis detrimentum, et predictorum ligeorum noſtrorum diſpendium et grauamen: Inuadendo regnum noſtrum hoſtili et bellico modis: Et ſuper alijs in premiſſis ſibi obiciendis et proponendis remanſuris, et jure parituris: Intiman. dicto Johanni quod ſiue dictis die et loco cum continuatione dierum comparuerit ſiue non, nos nichilominus, aut dictus noſter Juſticiarius in premiſſis, juſticia mediante, procedemus et procedet: Et vos qui preſentes executi fueritis ſitis ibidem dicto die, haben. vobiſcum Summonicionis veſtre teſtimonium et hoc breve. Datum ſub teſtimonio Magni Sigillj noſtri Apud Linlithgow, viceſimo die menſis Junij, anno Regnj noſtri decimo ſeptimo.

Iudorſatio ſive Executio prefate Summonicionis.

The ſevin day of þe moneth of Julij, the ȝer of God I^m.V^c. & v ȝeris, I, Robert Lord Crichtone of the Sanquhar, Scheref principel of Drumfreis, paſt to þe merkat croce of Drumfreis with þir our ſouerane lordis Lettres, and at þe command of þe ſamyn, be opin proclamatione, ſummond *Johne Lindſay of Vauchop*, to compere perſonaly befor our ſouerane lord and his lordes Juſtice at Edinburgh, or quhar it ſal happin þaim to be for þe tyme, the third day of October nixt to cum, in þe hour of cauſe, with continuatione of dais, to anſuere to our ſouerane lord or his Juſtice, apone all punctis and articulis contenit in þir our ſouerane lordis Lettres, and eftir þe tenour of þe ſamyn. And this I did befor thir Vitneſis, Robert Dalȝell, Williame Cwnynghame, James Carrutheris, Robert Makbrare, Eduarde Crichtone, Nichol Nelſone, Danid Gluver, and Johne Barbour: And for þe mare vitneſſinge hereof, I haf ſet to my ſignet, ȝere, day, and place forſaid.

In name and behalf of our ſouerane lorde, Maiſter James Hennriſoune, Aduocate till (his) hienes, aſkit and inquirit, in his name and authorite, and of his ſpeciale commande, at the Lordis, Barouns, and Commiſſaris of Burrowis, thare warde and cenſment of Parliament, geif the ſaid Johne Lindiſſay had committit and donne Treſſoune till our ſouerane lorde and his Realme, in þe pointis and artikillis abone writtin? The quhilk Lordis and Eſtatis, beande aviſit riplie, wardit and deliuerit, that þe ſade Johnne Lindissay has committit and donne opin and manifeſt (Treſſoune) in thir pointis eftir following, contenit in the ſade Summondis; that is to ſay, in þe cruel Slauchtir of vmquhile Bertilmow Glendinnowing, our ſouerane lordis Officiare and Scherref in þat part, and of Symone Glendinnowing, his broþer, being in his cumpany, in þe executione of his office, in þe diſtrinȝeing of (the) thrid part of þe landis of Wauchop, pertening to Mergrete, the ſpouſe of vmquhile Johnne Lindiſſay, his fader: And for the treſſonabill Convocatione and gaddering of our ſouerane lordis liegis, for the committing of the Slauchter of þe ſaidis Bertilmow and Symone, officiaris and Schereffis forſaide: And for the treſſonabill makin of Liges and Bandis, with diuerſe our

ſouerane lordis vntrew liegis, committande upone our ſouerane lordis liegis Reffis, Spulȝeis, Hereſchippis, and Raſande fire, in treſſonabill wiſe, within þe ſcherefdomes of Drumfreſe and Roxburghe, and Invaidande his realme and liegis in maner of batale and treſſonabill wiſe: As is contenit in þe ſaide Summondis maid þairuppone.—And þaireſtir it was gevin for Dume, be the mouthe of *Johnue Jardane*, Dempſtar of Parliament for the tyme, in forme and maner as eftir followis.

DUME.—This Courte of Parliament ſchawis for law, and I geif for Dume, that Johnne Lindiſſay of Wauchop has committit and done Treſſone agane our ſouerane lord and his realme, in þe ſpeciale pointis and crimeȝ foreſade, contenit in þe ſade Summondis; for the quhilkis he has Forfalt till our ſouerane lorde his life, his landis, his gudis, his officis, and all vþer his poſſeſſionis quhatſumeuir he hade within þe Realme of Scotlande, euermare to remane with our ſouerane lorde, his airis, and ſucceſſouris for his ſade treſſonabill (crimes) foreſade: And þat I gefe for Dume.

High Treason.

[JOHN OIG[1] MACGILLEOUN or MACLEAN of Lochbuy was the son of Hector, and grandson of John Macgilleoun of Lochbuy, who lived in the reigns of King James II and III. John Oig married a daughter of Macdougall of Lorn, and was connected with the Macleods of Herries and Lewis, among which families there had been repeated intermarriages. The Indictment is not preserved; but it may pretty safely be inferred that his crime consisted in being art and part with Torquil Macleod and others, in attempting to set up the Bastard Donald de Yla as LORD OF THE ISLES.[2] This case was frequently continued; and owing to the deficiency of the Records, it does not appear whether or not it was insisted on. The probability, however, is, that he was restored to the King's favour. Among other notices which occur in the High Treasurer's books, there is expended, Jan. 21, 1506-7, as follows.—'*Item*, to MAKLANE OF LOCHBOY, xiiij lib.'[3]

Maclean, with his two eldest sons, are known to have been 'killed in a family Feud betwixt them and the Macleans of Dowart.'[4] For the particulars of these Feuds, &c., the reader is referred to Mr GREGORY's work before noticed.]

FEB. 6.—Quo die, JOHANNE MAKKLANE DE LOCHBOY, ſepe vocato per Literas Summonicionis Domini noſtri Regis ad reſpondendum ſuper certis Proditorijs accionibus in dicta Summonicione contentis; et non compareu. continuatur ad diem Martis, tertium diem menſis Februarij proximo futuri, cum continuacione dierum et horarum.

CURIA JUSTICIARIE, *in pretorio burgi de* EDINBURGHE, *die Martis, xv die Februarij*, 1507, *coram* ANDREA DOMINO AVANDALE, *Juſticiario.*

Stouthreif by way of 'Mummyn.'

Feb. 15, 1507-8.—EDUARD SYMSOUNE convicted of art and part of the

[1] Young John. [2] See Feb. 3, 1505-6. [3] *Compot. Thes.* General Register House.
[4] *Douglas's Baronage*, p. 370.

Stouthreif, by way of 'mummyn,'[1] under ſilence of night, of certain ſums of money, extending to ſix ſcore merks, or thereby, from Sir Donald Moffet, Chaplain, furth of his chamber, near the Kirk of Craggy.—Hanged.

[*Andreas dominus Avandale, et Alexander Laudir, Prepoſitus de Edinburghe, Juſticiarii et Locum tenentes deputati* Andree domino Gray, *Juſticiarij Generalis.*]

Slaughter and Hereschip at the Place of Innermeſſane, &c.

Jun. 16, 1508, (*die Veneris.*)—Donald Mole Makalester, convicted of art and part of the cruel Slaughter of John Ruſſell, Patrik Weddale, and ſundry other perſons at Innermeſſane, and of the 'Hereſchip' of their goods furth of the ſaid Place at the ſame time: *Item*, of art and part of the Stouthreif of ſundry oxen and cows from Perſone[2] M'Martyne, in Kintyre: *Item*, of common Stouthreif and common Oppreſſion of the lieges.—Hanged.

Stouthreif by way of 'Mummyng.'

Adam Mure, Convicted of art and part of Stouthreif, by way of '*Mummyng*,'[3] having his face muffled, under ſilence of night, of a certain ſum of money from Sir Donald Moffett, Chaplain, furth of his chamber, near the Kirk of Cragy: *Item*, of art and part of the Stouthreif of two horſes from William Wallace, furth of Drumboy.—Hanged.

[*Alexander Comes de Huntlie, Juſticiarius.*]

Theft—Resetting Thieves and Traitors, &c.

Oct. 9, (*die Lune.*)—Cuthbert Lauder, of Todrik, Convicted of art and part of the Theft and concealment of two horſes from Alexander Turnbull, furth of Braidlé: *Item*, of the theftuous Reſetting of Alexander Cranſtoune, common Thief, in his Thefts; and of art and part with him therein: *Item*, of the theftuous Reſetting of Williame Oliver, common Thief, in his Thefts: and of art and part with him therein: *Item*, of ſupplying and Intercommuning with Symon Turnbull and Robert Turnbull, the King's Rebels, and being at his horn; and of art and part with the ſaid Rebels in their Thefts and Treaſonable deeds; and of the Treaſon done to the King and his kingdom on that account: *Item*, of Common Theft and Common Reſet of Theft: *Item*, of common outputting and

[1] During the feſtivities of the New-year, it was cuſtomary for parties to go about in diſguiſe, accompanied by muſic. They were freely allowed to enter houſes and exhibit their *Mummings* or drolleries, dancing and ſinging, &c. These morrice-dances have long ſince ceaſed in Scotland; and even the laſt veſtige of theſe 'Mummeries,' the *Guiſards* of Edinburgh, and a few other places, have nearly expired. The facilities which theſe licentious feſtivities afforded to commit robberies, induced a ſeverer meaſure of puniſhment, in caſes of delinquencies of this *diſhonourable* ſort, whilst murderers, &c. were allowed to compound for their atrocious crimes. [2] Parſon. [3] See Feb. 15, 1507-8.

inputting in theftuous and treafonable manner: *Item*, of common Treafon with the faids Robert and Symon, the King's Rebels.—DRAWN and HANGED, and all their goods, moveable and immoveable, lands and poffeffions, efcheated to the King.[1]

CURIA *Itineris Jufticiarie de* KIRKCUDBRICHT, *Andreas Dominus Gray, Jufticiarius, &c.*

Oppressing Lady Cardines, &c.

Oct. 14, (*die Saboti.*)—NINIAN M^c^CULLOCHT of Cardines came in the King's will for art and part of the infraction of two Protections, granted in favour of Elizabeth Levinox, in the occupying and labouring her third (terce lands) of the Lands of Cardines.—He was alfo admitted to compound for art and part of the Oppreffion done to the faid Elizabeth, in 'Reiving' from her 1500 '3owis, wedderis,' and younger fheep, pertaining to her by reafon of her half, through the deceafe of umq^le^ James M^c^cullocht of Cardines; and of the Stouthreif thereof: *Item*, for the 'Spuilzie' of the lands pertaining to the faid Elizabeth, by reafon of her terce and conjunct Infeftment of the lands and barony of Cardines and Kirkmabreck; and Stouthreif of her rents: *Item*, for Oppreffion done to the faid Elizabeth, in breaking up the doors of her barn, within the faid lands; and for the Stouthreif of her corns and houfehold goods, extending to xl l.—The faid Ninian became furety to fatisfy the parties.

Oppressing the Lieges.

Oct. (16?)—MARTIN BURNET, in St John's Clauchane, Convicted of common Oppreffion of the lieges, in the execution of his office.[2]—REMITTED by the Lords.[3]

Common Theft and Pickery.

[FROM markings on the margin of the Record, it appears that the Sentence originally recorded against this infirm old Highlander had been 'SUSPEN.'; which marking was afterwards deleted, and 'SUBMERSUS' substituted; and finally, the latter was struck out, and 'BANNITUS' inserted, through the clemency, no doubt, of his Judge or the King. It may be interesting to remark here, that the punishment of death inflicted upon females, at this early period, and for more than two Centuries afterwards, was, universally, drowning; and in cases of very heinous crimes, burning at the stake. It was deemed highly indelicate and shocking to expose females to any other mode of execution than these, until the 'Maiden' was invented, when females of rank were sometimes beheaded. Owing to the helpless infirmity of this old man, it seems to have been considered an act of humanity to put him to death by drowning; but it is probable that the King, who was noted for kindness to the aged and infirm, had ordered his sentence to be commuted to *Banishment.*]

[1] There is added to this entry, 'NOTA, quod omnia prescript. commiss. post datam sue Remissionis.' [2] Probably as a Messenger-at-arms. [3] 'RE^R^ per dominos.' It may be *Respited.*

Michaell Dow[1] M'Alzerache, Convicted of Common Theft and 'Pikry.'[2]—Banished furth of the Sheriffdome, beaufe he was aged and decrepid, and was only convicted of (Stealing) 'fchevis, tedderis, huikis, and faccis:'[3]—And to remove from the Shire, within eight days; and never to return, under the pain of death.

Slaughter of the Laird of Dalzell, &c.

Nov. 18, (*die Jovis, quarta die Itineris.*)—David Glendunwell.—The Laird of Garrules[4] often called to enter the faid David, as he became furety for his entry, under the pain of xl l. to the King's officer, for art and part of the Slaughter of William Dalzell of that Ilk[5] and John Carmichell; and not appearing, he was amerciated in the faid fum. The faid David was denounced Rebel at the horn, and all his goods were efcheated to the King.

Tearing the King's Letters, &c.

Ninian M'Culloche of Cardines.—John Murray of Cokpule and Alexander M'culloch of Myrtoune became fureties for the entry of the faid Ninian, along with himfelf, under the pain of 200 merks, to underly the law for treafonably taking and tearing the King's Letters, and for other crimes imputed to him; and not compearing, they were amerciated in the forefaid fum.

Oppressing the Laird of Caly.

John Gordone, of Lochinver, produced a Signature of Remiffion for art and part of the Oppreffion done to Mr William Levinox of Caly, in detention of the lands of Plumtoune and Trunzeartoune wafte, &c.

Oppression — Hurting.

John Gordone, of Lochinver, and Helifius[6] Gordoune, in the parifh of Kirkpatrick, produced a Signature of Remiffion for art and part of the forethought felony and Oppreffion done to . . . . . Makadam, in the parifh of Kollis, fervant of the Laird of Gaitgirthe, and hurting him: And the faid John, for Common Oppreffion of the lieges.—The Laird of Lochinvar furety.[7]

[1] *Niger*, 'Dhu,' or black. [2] *Pickery*, petty theft. [3] Sheaves, *tethers*, (halters, or ropes,) hooks and sacks (bags.) [4] Gairlies. [5] See the Notes from the *Privy Seal* Record, appended to this reign.—'In September, or thairby, there was a great fray betwix the Lord Maxwell and the Lord Crighton of Sanchar, where the Lord Crighton was chafed with his companie from Drumfreis, and the Laird of Dallyell and young Larde Crauchley, with dyverfe vther, were flayne.'—*Anderson's* MS. Hist. Adv. Library. See also Apr. 5, 1513.—*Sir James Balfour* also notices this Feud in these terms: 'This zeire, at Drumfreis, ther was a grate feight betuix the Lords Maxfwoll and Sanquhare and ther frindes and followars; quherin the Lord Sanquhare was ouerthrowen, and maney of his frindis killed.'—*Annales*, II. 231. [6] Elias? [7] At this period a considerable

Killing Salmon in Close-time.

JOHNE GORDONE, of Crago, Convicted of art and part of the ſlaying of Salmon in prohibited time, in the water of Wr. Amerciated.—The Laird of Lochinvar became ſurety to the King and party.[1]

Oppressing the Abbot of Dundrennan's Officer, &c.

Oct. 19.—JOHN MAGGE (M'GHIE), of Plomtoune, Convicted of art and part of Convocation of the lieges, in company with the Laird of Bomby, during the time of the Court, at the *Standande-ſtane*, in Drumdranan, held by the ſaid Laird, in the year 1504: *Item*, of art and part of the Oppreſſion done to Sir William Schankis, Monk, caſting him down from his horſe during the time of the ſaid Court: *And* of art and part of the Oppreſſion done to Andrew Denis, Officer of the Abbot of Drumdranen, taking and detaining him againſt his will, until the concluſion of the ſaid Court. Fined vj merks.—The Laird of Bomby, and the ſaid James for himſelf, conjunctly and ſeverally, became ſurety to the King and party. 'Iiij li.'

ALAN and JOHN MAKCLELANE, in Kirkcudbrycht, were fined x merks each for the ſame crime.—PETER MUR, of Balmagachane, William Levinax, younger of Caly, Alexander Porter, brother of the Laird of Lag, Peter Levingſtoune, and nine others, were likewiſe fined iiij merks each, excepting Peter Mur, who was delivered *gratis* to the Sheriff.—The Laird of Bomby became ſurety, along with themſelves, to the King and party.

Oppression — Killing Salmon — Burning a Wood, &c.

WILLIAM LEVINOX, younger of Caly, admitted to compound, by virtue of a Remiſſion, for his forethought felony and Oppreſſion, done to Thomas Mageiche at the Kirk of Girtoune, coming upon him in warlike manner, and beſieging him in the foreſaid Kirk, in the year 1504: *Item*, for the Slaughter of 'rede-fiſche' (Salmon) in the prohibited time, in the water of Fleit: *Item*, for the theftuous depredation of the Wood of Rowſkithe, and for Burning thereof. —The Laird of Bomby ſurety to ſatisfy parties.

Stouthreif of Gascony Wine — Oppression.

JOHN MAKCLELANE, in Kirkcudbrycht, convicted of art and part of the Stouthreif of two 'hoghedis' of Gaſgony wine from Patrick Forſter;[2] and of the Oppreſſion done to the ſaid John at the ſame time.—The Laird of Bomby ſurety for the King and party.

number of Cases occur against dependents of the Laird of Lochinvar, for Acts of Oppression and Assault. He generally appears as cautioner. None of these are of any interest, saving in the instances which have been selected. [1] 'iij li.' is marked on the Record. [2] See p. * 55.

Oppressing Sir Gavin Kennedy, knight.

Oct. 21, (*die Saboti.*)—Dauid Kennidy, of Cragnele, Thomas Makgermory, and Robert Park, Convicted of art and part of the Oppreſſion done to Sir Gavin Kenydy, kn^t^, by putting plough in his lands of Cumſtoune; and for ploughing thereof, without any Leaſe from the ſaid Sir Gavin: *Item*, for art and part of the Oppreſſion done to a ſervant of the ſaid Sir Gavin, called Macrore, and hurting him at the ſame time. They were fined, viz. the ſaid David in x merks, and the other two in v merks each.—David Kennide of . . . . ſurety to the King and party.

Stouthreif of Gascony Wine — Forging the King's Letters — Cattle-stealing — Oppression, &c.

[As the following Case is the only one where the proceedings of an Assise, at so early a period, are fully detailed, the Editor has thought it proper to insert the original entry, in the precise terms in which it is made in the Record. This is likewise one of the few instances, which the Editor has met with, of *twelve* persons sitting on an Assise. Assises generally consisted of eleven, thirteen, fifteen, or more persons; but, excepting in a very few cases, they appear, from the earliest period, to have had an odd number. The purpose of this regulation obviously was, that, in the event of an equality of votes, for acquitting, or for finding the panel guilty, there might always be a decided majority; it being altogether inconsistent with the origin and nature of an Assise, that the Chancellor should be allowed the privilege of a casting Vote.

The case itself is rather remarkable, and more pains than usual have, evidently, been bestowed on the framing of the entry of the proceedings in the Record.]

Assisa *electa ſuper* Dominum de Bomby *et criminibus ſibi impoſitis.*

Schir Gavane Kennedy,	The Larde of Dalbaty,	David Sinclar,
The Larde of Gaitgirthe,	Robert Langmur,	Schir Alex. M^c^Culloch,
The Larde of Cardinis,	Johnne Crechtoune of Hartwode,	Johnne Murhede of Bulles,
David Craufurde of þe Kerſe,	George Langmur,	Johnne Slowane of Garroche.

Quequidem Aſſiſa, deligenter et mature aviſati, deliberaverunt ſuper nonnullis de criminibus eidem Wilelmo impoſitis, ut ſequitur. Wilelmus Makclelane de Bomby Convictus fuit de arte et parte rapine duarum le *hoghedis* vini Gaſconie a Patricio Forſtar, in Kirkcubrycht; et de Oppreſſione facta eidem, eodem tempore: *Item*, de arte et parte proditorie ffinctionis unius Litere ſ. d. n. Regis, capiendo Signetum ab una antiqua Litera, et affigendo Signetum uni Litere pro relaxacione Andree domini Heres a cornu Regis: *Item*, de arte et parte rapine certorum boum a Patricio Harpar de M^c^kilquhade, extra Bardrochate: *Item*, de arte et parte precogitate ffelonie et Oppreſſionis facte Patricio Makclelane de Myddilthride, venien. ſuper eum et volen. eum interficere, ex antiqua malicia: *Item*, de arte et parte rapine auri et argenti, extenden. ad xx li. et ultra, pertinen. quondam D. Johanni Aſchennane, Capellano, in A.D. 1507, ultimo elapſo: *Item*, de parte Oppreſſionis facte D. Willelmo

(Schankis) Monacho,[1] profternendo five projiciendo eum extra fuum equum, tempore detencionis Curie per ipfum Will. tente apud le *Standande-ſtane* in Dundranane, contra voluntatem Abbatis: *Item*, de parte Oppreffionis facte Andree Denis, officiario dicti Abbatis, tenendo eundem ad ferviend. in dicta Curia, contra ejus voluntatem, ufque ad finem dicte Curie: *Item*, de arte et parte Oppreffionis facte Ville de Kirkcubricht et comunitati ejufdem, in empcione vini et diverforum bonorum et merchandiciarum, venien. ad dictam Villam et Portum de Kirkcubricht, antequam Villa et comunitas defervite fuerunt, et contra voluntatem comunitatis; quequidem merchandicia, vinum et alia bona, fuftinere debuerunt dictam Villam et comunitatem: *Item*, de comuni Oppreffione dictis Ville et comunitati ea occafione facta: *Item*, de comuni Oppreffione legiorum domini noftri Regis de aliis modis.

SUPER quibus criminibus, et multis aliis criminibus de quibus Affifa minime determinarunt, licet in Indictamentis continebatur, et defuper dictus Will. exiftat accufatus, DOMINUS JUSTICIARIUS, cum confenfu et avifamento Dominorum Compofitorum, fuorum Affefforum, RESPECTUAT eundem Willelmum ufque ad diem craftinum ejus accufacionis fequen. fub plegiacione iij^{m} marc.[2]—Et in dicta die craftina, Plegius dicti Will., ob non introitum ejufdem, in hujufmodi fumme amerciatus eft.[3]

CURIA *Itineris* (*de* WIGTOUNE,) *inchoata die Lune, xxiij Octobris*, 1508, *coram* ANDREA DOMINO GRAY, *Jufticiario ſ. d. n. Regis, ex Auſtrali aque de Forthe.*

Burning of Drumskey and Ardwell.

Oct. 24, (*die Martis.*)—GILCRIST BARBOUR MAKKINZE produced a Signature of Remiffion for art and part of the Fire-raifing and Burning of Drumfkey and Ardwell, in company with the Laird of Garthlane.—Sir Alexander Makcullocht furety to fatisfy parties.

CURIA *Itineris* (*de* AIRE,) *inchoata die Lune, penult. Octobris*, 1508, *coram* ANDREA DOMINO GRAY, &c.

Feud between the Mures and Cunynghames.

Nov. 3, (*die Veneris, quarta dies Itineris.*)—PATRIK BOYDE, brother to the Laird of Rowalloun, Neill Smyth, in Gardrum, and twenty-five others, CONVICTED of art and part of Convocation of the lieges againft the Act of Par-

[1] See Oct. 19, 1508. [2] 3000 merks. [3] 'SUMMA totalis hujus Extractus Iij^{m}iiij^{xx}ij li. vj ſ. viij d.' (L.3083, 6s. 8d.)

liament, coming to the Kirk of Stewartoun, in company with John Mure of Rowallan, for the Office of Parifh Clerk of the fame Kirk, againft Robert Cunynghame of Cunynghamhede and his fervants, in the year 1508.—The Laird of Rowallan and Andrew Arnot of Lochrig became fureties to fatisfy parties, as the Lords fhould declare their pleafure.[1]

Oppressing the Young Laird of Busby, &c.

JAMES MUR, brother of the Laird of Rowalloun, CONVICTED of art and part of the forethought felony and Oppreffion done to John Mowat, junior, Laird of Bufby, and Andrew Stevinftoune in the Town of Stewartoun, in company with the Laird of Rowalloun. Fined v l.—The Laird of Rowalloun furety to the King and party.

Convocation — Oppressing Lady Cunynghamhead, &c.

ROBERT CUNYNGHAM of Cunynghamhede, Convicted of art and part of Convocation of the lieges againft the Act of Parliament, coming to the Kirk of Stewartoun, in Convocation, againft John Mur of Rowallane and his men, for the Office of Parifh Clerk of the faid Kirk, in the year 1508: *Item*, of art and part of the Oppreffion done to Elizabeth Roffe Lady Cunynghamhede, in occupying and manuring her third part of the lands of Cunynghamhede and Bonnalay; and of thereby breaking the King's Protection (i. e. '*faufgarde*') upon her, in the year 1503: *Item*, of art and part of the Oppreffion done to the Abbot and Convent of the Monaftery of Kilwynning, and to Hew Earl of Eglintoun, their tenant, in the 'fpuilzie' of the Teind-fheaves of the lands of Myddyltoun, in the parifh of Perftoune, and of breaking the 'faufgarde' of our fovereign lord the King upon the faid Earl of Eglintoun, in the year 1508.

Convocation against the Laird of Rowallan.

THOMAS WALLACE in Clonfche, Convicted of art and part of Convocation of the liegis againft John Mur of Rowalloun and his men, &c. Fined according to the will of the Lords.—Robert Cunyngham of Cuynghamhede furety to the King and party.[2]

Oppressing Lady Crechdow — 'Spuilzie,' &c.

Nov. 5, (*die Saboti, quinta die Itineris.*)—JOHN SCHAW of Haly, William Schaw dwelling with him, and eight others, were permitted to compound for art and part of the Oppreffion done to Margaret Mongumry Lady Crechdow,

[1] 'Amerciat. xl f. pro vnoquoque,' marked on the Record; which, of course, refers to the fine payable to the Crown only. [2] 'iij li. pro unoquoque.'

coming to her Place, about the feaſt of 'Mydſummer,' caſting her goods furth of her houſe; and for the 'ſpuilȝie' of ſundry of her goods at the ſame time, ſtriking her ſervants; and for breaking of our ſovereign lord the King's 'ſaufgarde:' *Item*, of Oppreſſion done to the ſaid Margaret, in ejecting her furth of her houſe and Place of Garclauche, caſting down a ſtack of hay and deſtroying it, and alſo caſting down a ſtack of bear,[1] containing ſeventy 'thraiſis,'[2] and thereby damaging the grain: *Item*, of ſhutting up her 'gudis,'[3] viz. ſixty-five 'ſoumes'[4] furth of her ſaid third part, ſhutting them up without 'pindande' them in a 'pyndfalde:'[5] *Item*, of breaking his Bond of caution to keep the peace towards the ſaid Margaret, by caſting a ſtone out of a window, and breaking the ſaid Margaret's head, and 'felling' her:[6] *Item*, for common Oppreſſion of the King's lieges.—David Craufurde of Kerſe ſurety to ſatisfy the party.

Slaughter.

JOHN SCHAW of Keriſe produced a Remiſſion for art and part of Slaughter of John Boyde with a ſtone.—David Craufurd of Kerſe ſurety to ſatisfy parties.

Throwing down the Place of Burnfoot—Hamesucken, &c.

JOHN SCHAW of Keriſe admitted to compound for art and part of the forethought ffelony done to Duncan Fergufſoune, young Laird of Kilkerane, in coming to his Place of Burnefute, and throwing down and breaking into the houſes of the ſaid Place; and for (forcibly) keeping the lands of Burn-fute waſte, for the ſpace of one year: *Item*, for the forethought felony done to Andrew Maknacht, and for 'Hamſukkin,' coming to his Place and 'ſtabbit' his . . . . . .[7] with 'quhingaris' and ſwords: *Item*, for the forethought felony and Oppreſſion done to John Boyde,[8] wiſhing to ſlay him at the time of the Slaughter of umq[le] M[c]ilhenze.—David Craufurde of Keriſe ſurety to ſatisfy parties.

Hindering the sitting of the Bailie Court of Carrick.

DAVID CRAUFURDE OF KERSE, David C. younger, John Craufurde 'proctour,' Thomas Galbraithe, David Campbell of Clovingall, Peter Rankin of Schelde, William his ſon, Albert Carthkert, Alan Carthker[9] of Drumrowane,

[1] A kind of barley. [2] A *thraive*, or *threave*, generally consists of twenty-four sheaves, including two *ſtooks*, or ſhocks, of any kind of grain. [3] Live stock. [4] A *ſoum* of grass seems to have been various in different parts of the country; *e. g.* as much as one cow or five (sometimes eight or ten) sheep can pasture. [5] Luckily, the Clerk of Court had been posed in rendering this and many other articles into the usual Law Latin, by which means the vernacular is occasionally introduced. '*Pindande*' the stock in a '*pyndfalde*,' is what might still be properly called '*penning* them in a pin-fold.' It has no relation to *poinding* or distraining the stock, as might at first glance appear. [6] The words of the Record are forcible; 'projiciendo unam lapidem extra quandam fineſtram et caput ipſius Margarete fringendo—et, in vulgari, "*felde hir*."' [7] Obliterated in Record. [8] See the preceding case. [9] *Sic*. Cathcart.

Eſplane Craufurde, and James Barbour, came in the King's will for art and part of Convocation of the lieges, coming to the Court of the Bailliary of Carrik, on occaſion whereof the Bailie,[1] on account of the 'inconvenientis' which might ariſe by ſerving the Brieve of the Laird of Kilhenȝe,[2] reſumed the ſaid Brieve; and thereby, for impeding the ſaid Bailie from holding his Court.—John Schaw of Kerſe ſurety to ſatisfy parties and the King. (David Craufurde of Kerſe was amerciated 5l., and each of the others 40ſ.)

Oppreſsion — Hamesucken — Caſting a Boy into the Fire.

Nov. 6.—Cuthbert Robisoune in Auchintebir, convicted of art and part of the Oppreſſion done to Arthur Farnlie, at his own houſe, ſtriking him, and caſting his ſon in the fire—Sir David Kenydy ſurety to the king and party. (He was fined five merks.)

Spuilzie — Oppreſsing the old Lady Home, &c.

Nov. 10.—Hew Earl of Eglintoun produced a Remiſſion for art and part of the 'ſpuilȝie' of xij horſes, 'butis, ſpurris, ſuerdis,' and other goods from Arthur Boyde, and other ſervantis of the old Lady of Home, at the time of the wounding of the ſaid Arthur: *Item*, for art and part of the Convocation of the lieges to the number of ſixty perſons, and the Oppreſſion done to the old Lady of Home, in ſpuilzie of xxiiij cows furth of Gallovny: *Item*, for the Oppreſſion done to the ſaid Arthur, coming upon him and hurting him, and taking him to the Place of Eſtwode; and detaining him therein, in priſon.—The Earl became ſurety to ſatisfy the parties.

Spuilzie.

Nov. 11, (*die Veneris, vltimo die Itineris.*)—John Hammyltoune in Bargany, produced a Remiſſion for art and part of the ſpuilzie 'certarum menſarum Irlandie cilanidarum correorum,' corn, bear,[3] pots and pans,[4] from men dwelling in Cregforguſe:[5] *Item*, for art and part of the 'ſpuilȝie' of four horſes, eight cows, and four oxen from John Thomſoune, furth of his lands of Knokminſchoche.—Alexander Kennydy, young Laird of Bargany, became ſurety to ſatisfy the parties.[6]

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[1] Hew Earl of Eglintoune. [2] Reference may be made to the History of the Kennedies, Edin. *Quarto*, 1830, in illustration of this and all matters connected with the history of Carrick, and of the numerous feuds which unhappily abounded there, until a pretty recent date. [3] A kind of barley. [4] Patellas. [5] Carrick-Fergus? [6] 'Summa totalis Extractus, Ij^{m}iiij^{c}lxxxix li.' (L.2489.)

CURIA *Justiciarie de* EDINBURGHE, *inchoata die Lune, xxv die mensis Novembris*, 1508, *coram* ANDREA DOMINO GRAY, *&c.*

Slaughter — Felony done to Sir William Scott, jun. knight.

NOV. 25.—JOHN BIKERTOUNE of Cafche, and Archibald his brother, Convicted of art and part of the cruel Slaughter of David Scot, near the Kirk of Stramyglo: *Item*, the faid John of art and part of the forethought felony done to Sir William Scot, junior, kn[t], and his accomplices, at the fame time.—WARDED in the Caftle, by the Jufticiar.

[ALEXANDER COMES DE HUNTLIE *et* ARCHIBALDUS COMES DE ERGILE, *Jufticiarij.*]

Transporting Cattle to England — Slaughter — Burning the Place and Miln of Newby, &c.

Jan. 26, 1508-9, (*die Veneris.*)—WILLIAM CARRUTHERS in Clonhede, Convicted of treafonable outputting[1] of five fcore and five cows and oxen from the Laird of Newby and his Tenants, in company with Andrew Johneftoun and the Traitors of Levin: *Item*, of art and part of the Slaughter of Robert Hude at the fame time: *Item*, of art and part of the outputting of xl cows and oxen to the parts of England, and alfo of vther xl cows and oxen at another time, from the faid Laird of Newby and his Tenants: *Item*, of art and part of the Slaughter of an infant of two years old at the fame time, in company with the faid Andrew, &c.: *Item*, of the treafonable Burning of the Place and Mylne of Newby, in company forefaid: *Item*, of common Treafon, common Theft, Refet of Theft and of Traitors.—SENTENCE. To be drawn and HANGED: And that he fhall forfeit all his lands and goods, moveable and immoveable, &c.

Slaughter of the Laird of Glendinning, &c.

PATRICK DUNWEDY, in Efkdale, Convicted of art and part of the Slaughter of the Laird of Glendunwin; and of treafonably going furth of Scotland to the parts of England; and of treafonably remaining in England: *Item*, of common Theft, and common outputting and inputting of goods, between the kingdoms of Scotland and England.—HANGED, and all his goods efcheated as above.

Rape of the Earl of Levinax's Daughter.

Feb. 13.—JOHN FLEMYN, fon to the Laird of Boghall.—John Lord Flemyng, often called (as furety) to enter the faid John to underly the law for art and part of the Rape or Ravifhment of Margaret Stewart, daughter of

[1] Transporting the cattle to England. This crime was at all times visited with very heavy punishment; for, during the wars with England, the Southern provinces were at any rate drained of provisions, owing to the necessity of keeping considerable forces on the Borders, to watch against sudden invasion, &c. The frequent famines in Scotland rendered such regulations expedient at all times, but more especially during the time of war.

Mathew Earl of Levinax;[1] and for all action which could be imputed to him by reaſon of the ſaid Raviſhment, and intromiſſion with her at the time thereof: And not compearing, the ſaid Lord was fined in the penalty of 500 merks.—John Flemyn was denounced Rebel at the King's horn, &c.

[*Andreas dominus Gray Juſticiarius Generalis.*]

Slaughter.

Sep. 1, 1509, (*die Sabboti.*)—Patrick M'Clellane of Gileſtoune, Alexander Legait, Thomas M'Clellan in Wigtoune, John M'Lyn miller, and James M'Culloche, were denounced Rebels, and put to the horn by public proclamation, &c., as fugitives from the law, for art and part of the cruel Slaughter of George Frere; and for not entering to underly the law, for the ſaid Slaughter, and other crimes to be imputed to him. And this was done by Warrant of the King, under his ſign-manual, following:

Rex,

Mestr James Henrisoun, We charge you þat incontinent eſtir þe ſycht of þis Precep, þat ȝe put Patryk Maklellane and his complices to be put to oure horne, eftir þe tenor of our dowm gyfin upon hime, in to our towbytht of Edynbrycht: Ande þis ȝe liff nocht ondon, as ȝe wyl anſure to ws.

James (R).

Sep. 3, (*die Lune*).—They were of new denounced Rebels at the market croſs of Edinburgh, &c.

'Hereschip'—Fire-raising—Slaughter of the Lairds of Sintoun, Fentoun of that Ilk, &c.

Nov. 19.—Andrew Crossar, Convicted of art and part of the Slaughter of Robert Scot of Sintoun: *Item*, of the treaſonable inbringing of Engliſhmen, and Traitors of Levin to the 'Hereſchip' and Burning of Blindhauche: *Item*, of art and part of the Slaughter of Adam Turnbull of Chalmerlane-Newtoune, and Adam Turnbule, called *Gabirlenzeis*;[2] and of in-bringing of Traitors and Engliſhmen to the ſaid crimes: *Item*, for the treaſonable in-bringing of Engliſhmen and Traitors to the 'Hereſchip' done upon Alexander and James Chalmer: *Item*, of art and part of the cruel Slaughter of John Fentoune of that Ilk: *Item*, of art and part of the Theft of a grey horſe, and ſundry other goods, from

[1] Lady Margaret Stewart, eldest daughter of Mathew 2d Earl of Lennox, got a charter from John *second* Lord Fleming, her husband, of the lands of Biggar and Thankertoun, Mar. 12, 1508-9, *Reg. Mag. Sig.* xv, 90. They were soon afterwards divorced, (perhaps the marriage was never *regularly* solemnized), for she resigned the lands in his favour, Oct. 26, 1516, and was then designed, '*olim reputatæ ſponſæ dicti Joannis.*' She afterwards married Alexander Douglas of Mains; and Lord Fleming married, for his *third* wife, Agnes Somerville. His first wife was Eufamia, fifth daughter of David Lord Drummond. Lord Fleming was Great Chamberlain of Scotland, Ambassador to France, &c., and was assassinated, while hawking, by John Tweedie of Drummelzier, Nov. 1, 1524.—See this Collection, Aug. 18, 1525, Apr. 7, 1529, &c.

[2] *Ritson* explains 'Gaberlunzie' to be 'a *wallet*,' that hangs on the side, or *loins*;' and hence the word came to denote an itinerant beggar, tinker, &c. who carries a wallet.

Thomas Bell in Baginw: *Item*, of common Treaſon, common Reſet of Theft, common Theft, common outputting and inputting within the kingdoms of Scotland and England, in treaſonable manner.—Drawn and HANGED.

CURIA *Juſticiarie tenta die Jovis, Nov. xxij*, 1509, *Coram* ANDREA DOMINO GRAY, *Juſticiario Generali, et in hac parte* Regalitatis Glaſguen., *ſpecialiter conſtitute per Commiſſionem Jacobi Glaſguen. Archiepiſcopi, deſuper conceſs.*

Slaughter.

ALEXANDER LECPREVIK, junior of that Ilk, Alexander Cuningham, John Alaneſoun, and John Lindeſay, Convicted of art and part of the cruel Slaughter of George Hammiltoun, committed upon forethought felony.—BEHEADED.

ASSISA *elect. et jurat. ſuper eiſdem perſonis.*

Alexander Comes de Huntlie,
Johannes Dominus Hay de ȝeſter,
Ad. Hepburne de Craggis, miles,
Alexander Lauder de . . . ,[1] miles,
Duncanus Forſter de Skip Inche, miles,
Alexander Hepburne, miles,
Patricius Crechtoune de Cranſtoun-Riddale, miles,
Willelmus Scot de Baluery, miles,
Johannes Somervile de Cambuſnethan, miles,
Willelmus Douglas de Drumlanrik,
Dominus de Ennoche,
Dominus de Corry,
Johannes Ramſay in Petgorno,
Dominus de Warreſtoun,
Dominus de Damphoy,
Alex. Levingſtoun de Halhill,
Baro de Dalȝel-Neſbit.

'*Confratri ſuo Johanni Lauſone.*'

JOHNNE,

I PRAY ȝou paſſe to my Lorde, ande haife þe bukis with ȝou, anentis þe unlawis pertening to ȝE LARDE OF LEKPREVIK and his complicis, and put it furth of þe bukis with his aviſe: And bring me word as ȝe do;[2] for MY LORDE EGLINTOUNE will not ende quhill he haf ȝour actis diſtroit.—ITEM, ȝe ſall diſcharge þir unlawis, becaus þai have componit with MY LORD THESAURAR, and he has gevin commande. Ita eſt THOMAS DICKSOUNE.

[*Robertus Dominus Erſkin, Juſticiarius deputatus.*]

Slaughter.

Nov. 24, (*die Saboti.*)—HUGH WALLACE.—Cuthbert Earl of Glencarne, often called to enter Hugh Wallace to underly the law, for art and part of the Slaughter of vmq^le George Hammyltoune, under the pain of lxxx li, and not compearing, was amerciated in the ſaid ſum: The ſaid Hugh denounced at the horne, and all his goods eſcheated.

HUGH LINDESAY, Andrew Hart, Alexander Robertſon, Robert Wight, and Robert Bar. The Laird of Dunrod amerciated in the ſums of ij^c marc., lxxx li., lxxx li., lxxx li., lxxx li., for the non-appearance of theſe perſons for the ſame Slaughter.—Hugh, Earl of Eglintoune, was alſo amerciated in four ſums of lxxx li., each for non-appearance of Alexander Dalgleſche, John Craumond, John Lekprevik, and Paul Blakfurd.—And Alexander Lindeſay, Younger of Corſbaſket, in lxxx li. for non-appearance of David Anderſoune, *alias Davidſoune*,

[1] Bass? [2] What you do; or, perhaps, as soon as you do so.

for the ſaid Slaughter. All the above perſons were denounced Rebels and put to the horn, and all their goods eſcheated.

Mem^D. þat my Lord Thesaurar ſende[1] for *John Lauſoune*, and gart him bring þe buik our[2] to my Lord (Bishop) of Abirdenis ſtair; ande gaif him command, befor my Lord of Abirdene, to put out þe wnlawis aboue writtin, becaus he had componit with þame for þe wnlawis; and bad him tak ane memorriall of *Maiſter Thomas Dikſoune*, þat he had commandit, &c.

Messenger deprived for Failing in the discharge of his Duty.

Oct. 17, 1510.—John Cowpar, Meſſinger.[3]

Apud *Edinburghe, Oct. xvij*, 1510.—The quhilk day, þe Juſtice and Lordis of Counſale Ordanis þat oure ſouerane lordis armys[4] be takin fra Johne Cowpar, ſumtyme Meſſinger to our ſaide ſoverane lord; and he to be deprivit, ande nevir to ber armys for all þe dayis of his life, in exempill of uthiris: Becaus it is undirſtandin and conſiderit be þe ſaidis Lordis, that he has faltit richt gretumlie in the executioune of his office, in dyuerſe actionis; and ſpecially, for his hie contemptioune done, quhare he was warnit in jugement, þe xvj day of October inſtant, to haue comperit þis day before þaime; he beande oftymes callit and non comperand: That þairfore, he ſalbe put in preſoune, but[5] delay; and þare to remane unto þe tyme þat our ſoverane lord have declarit and ſchawin his mynd þairintill. And for þe fulfilling hereof, the ſaidis Lordis has gevin ſcharp commande ande charge to Lyoun King of Armys.

[*Andreas dominus* Gray, *Juſticiarius Generalis.*]

Taking a Bribe to acquit a Murderer.

Nov. 4, (*die Lune.*)—Patrick Agnew, Sheriff of Wigtoun, came in the King's will, for art and part of Uſurping his authority, without Commiſſion for that effect, by putting Thomas Porter to the knowledge of an Aſſiſe, and accuſing him, '*per coloratam juſtificatam*,'[6] for the Slaughter of John M^cmyane, committed by the ſaid Thomas: And for taking 'feyis' and money to purge the ſaid Thomas of the ſaid Slaughter, he being guilty thereof. And '*per coloratam juſtificatam*,' purging him of the ſaid crime.—Fined v merks.

Slaughter.

Gilbert McArthur, Convicted of art and part of the Slaughter of umq^le John Edgar.—Beheaded.

Intercommuning with the English, &c. &c.

John Neilsoune, alias *Suppit-out*, Convicted of art and part of the

[1] Sent. [2] Over. [3] See Dec. 6, 1510. [4] The Blazon or arms borne officially by each Messenger 'at arms;' inferring at the same time deprivation and degradation from his office. [5] Without. [6] It is doubtful whether 'by a coloured judgment,' or 'under colour of justice' is meant to be expressed here. Perhaps the phrase may imply, getting up a mock trial, in defraud of justice.

Theft and concealment of three horſes ('naggis') furth of Fiſchuk, in company with ſundry Engliſhmen,[1] &c. &c.: *Item*, of his treaſonably being and remaining in the kingdom of England, without a Licence from the King or Guardian (of the Marches): *Item*, of Intercommuning with the Engliſh, in theftuous and treaſonable manner: *Item*, of treaſonable inbringing of ſundry Engliſhmen, at various times, within the Kingdom of Scotland, to 'Spuilȝies,' 'Hereſchippis,' Fire-raiſings, Slaughters, Thefts, &c.—DRAWN and HANGED.

Cattle-Stealing.

Nov. 6.—PATRIK M'CLELLANE of Gilſtoune, Convicted of art and part of the Stouthreif of xx oxen from Patrick Agnew, Sheriff of Wigtoune, and his ſervants, under ſilence of night.—BEHEADED.

Proclamation for regulating the Proceedings of the Justice-Aire of Jedburghe.

[THE following Document (which is given literally as it appears on the face of the Record) is highly interesting, being so minutely illustrative of the form of procedure before THE JUSTICIARS, at the AIRES held throughout the Kingdom. Although apparently framed for the Aire of JEDBURGHE, there seems no doubt that this PROCLAMATION was Circular, and addressed to every district of Scotland, and was probably adopted by all the Sheriffs and Baron-Bailies, in their Courts.

The occasional occurrence of such Papers as the present, which have evidently been preserved by mere accident, tends to impress the mind of the enquirer with the conviction that, however brief and disjointed the early Records of the Courts of Justiciary confessedly are, their proceedings must have been conducted with the strictest regard to form and solemnity.

It would appear that one of the *practical* uses of keeping any Record, beyond a mere list of the Cases which occurred at the Justice-Aires, was to enable the Clerks of Court to settle their Accounts for the fines and amerciaments, &c. with the Lord High Treasurer, to whom they were answerable for all such sums. Beyond this there seems, originally, to have been no intention of keeping a regular record of the official proceedings of the Court, excepting the preservation of an accurate roll of those who were defaulters, or who had been put to the horn, or came in the King's will for offences committed by them. This circumstance sufficiently accounts for the brief manner in which all the entries are made in the early Books of Adjournal, at a time, too, when little importance was attached to the preservation of minute evidence, or of the details of procedure in each individual case.

As all the Dittays, confessions, and depositions were doubtlessly preserved, along with the Interlocutors of the Justiciars, the documents produced, and the Verdicts of the Assises, &c., the Clerks of Justiciary could readily furnish Extracts and Acts of Court, when required. In the absence of these materials, however, we have now very imperfect ideas of the precise details which took place in particular Trials. Hence the peculiar value of such documents as the following Proclamation, which has fortunately been preserved. It may be worthy of notice, that THE KING himself was present during the whole of this Aire, which indeed he bound himself to do in every instance by one of the earliest of the Acts of his Parliament, which was passed immediately after the period of his Coronation.]

'WE Command and charge, in our Soverane Lorde THE KINGIS name, and

[1] The other crimes of this individual, who was nicknamed Suppit-out, *i. e.* Swept out, (*souppit.*) are not necessary to be specified, being of no interest.

his Juſtice, here now preſent, þat na maner of perſonis tak upon hande to invaid ane ane uthir, for alde ffeide[1] or new, now cumand to þis preſent Aire, or paſſande þairfra, and induring þe tyme þairof, under þe pane of dede: And þat na maner of perſoune or perſonis beir wapinis,[2] except kniffis, at þair beltis, bot alanerlie[3] our Soverane lordis Houſhalde, the Juſtice, Conſtable, Marſchell, Compoſitouris, þair men and houſhalde, Shereff, Crounaris, and þair deputis, under þe pane of eſcheting of þe Wapinis, and puniſing of þe perſounis beraris þairof, as efferis. And certifieng all perſonis, þat na alde Signitouris of Remiſſiounis, wantande þe Gret Sele, or Remiſſiounis nocht ordourlie procedit be þe Selis; þat is to ſay, ffirſt be þe Signet, ſyne[4] þe Privé Sele, and þe Gret Sele, ſalbe admittit; with certificatioun, quha enteris uthirwayis, þai ſall nocht be admittit. And þat all perſonis, plegis[5] for ony perſounis duelling within þis ſherefdome, quhilk hes committit ony Slauchtir within þis ſherefdome or without, or dilatit for art and part þairof, and als all plegis for ony perſonis duelling outwith þis ſherefdoume, quhilk hes committit Slauchtir within þis ſherefdome, or dilatit for art and part þairof, þat þai enter þe perſounis þat þai ar plegis for, now, in þis preſent Aird, till[6] underlie þe law, under þe panis þat þai ar bundin[7] for þair entré (ſic as þe Slauchtir of *Sir William Colvile of Uchiltré, John Carmichell,* and þe *Larde of Dalzell.*) Becauſe þai ar warnit lauchfullie for þe entre of þe perſounis, be þe Proclamatioune of þe Aire, and ſummoning and warning of all plegis to enter þe perſonis þat þai ar plegis for þair entre, as ſaid is. And þat na victualis be ſaulde of derrer price na[8] þai war viij dais befor þe cuming of the Kingis grace to þis toune and þis preſent Aire, undir pane of eſchetin of þe vittalis, and puniſſing of þe perſounis ſellaris þairof; and þat vittalis be brocht to þe market for redy money. And þat na lugeing nor ſtabillis be ſett or takin be ony perſonis, of derrer price nai þai war ſett and takin at utheris Juſtice Airis obefor; and quhaſa dois, it ſalbe dittay to Juſtice-Aire. And attoure, caſſis[9] and adnullis all Contractis and promittis of takin and ſettin of houſſis of derrer price nai þai war wont to be ſett, in uthir Juſtice-Airis hald in þis burghe of Jedworthe of befor.'

Thir *are þe punctis*[10] *of* þe ditte *to be inquirit.*

In the firſt, gif[11] thay kene[12] ony Treſoune to þe Kingis perſoune or þe realme?
Item, gif þair be ony Slauchtir or Murthur?
Item, gif þair be ony ffyer-raſing or Byrnyng within þe realme?
Item, gif þair be ony Reviſing of wemen?
Item, gif þair be ony Thift?

[1] Ancient feud. [2] Weapons. [3] Excepting only. [4] Then; next. [5] Sureties; cautioners. [6] To. [7] Bound. [8] Than. [9] Lat. *cassare;* to break, &c. [10] Points. [11] If. [12] Know.

Item, gif þair be ony Reif?

Item, gif þair be ony Reſſet of Thift?

Item, gif þair be ony Outputtaris or Inbringaris of wtheris mennis gudis?

Item, gif þair be ony fforthocht ffelonis or Oppreſſorris of þE KINGIS leigis, be onywais?

Item, gif þair be ony Reſettis, ſupleis, or intercommonis with þE KINGIS Rebellis?

Item, gif þair be ony Culȝouris,[1] nycht-walkaris, or Sornaris?[2]

Item, gif þair be ony Wichecraift or Soſſary[3] wſyt in þe realme?

Item, gif þair be ony Convocatioune or gadering of our ſoverane lordis liegis?

Item, gif þair be ony þat ſlais rede-fiſche[4] in forbodin tyme, or ſmoltis[5] in mill-dammis?

Item, gif þair be ony diſtrevaris or pelaris of grene wode?

Item, gif þair be ony ſlayaris of deyr, be ſtalking, within wthir Lordis parkis?

Item, gif þair be ony þat manteinis opin treſpaſſouris?

Item, gif þat ony wſis ffalſe-mettis,[6] meſoris,[7] or wechtis?[8]

Item, gif þair be ony þat takis Thift-but?[9]

Item, gif þair be ony ſtrikaris of ffalſe mony?

Item, gif ony perſoune bringis hame puſioun,[10] and quhow þai wſe it?

Item, gif ony paſſis in Ingland, without þe Kingis Licenſe, in tyme of weire?

Item, gif þair be ony Goldſmyth þat makis ffalſe mextioune?[11]

Item, gif þair be ony Ligis or Bandis[12] maid within burghe? or gif ony burges ridis or routis with ony Lorde or Larde, to landward? or gif he be bundin to ony Larde in manrent?

Item, gif ony ſtelis halkis or hundis?

Item, gif þair be ony brekaris of orchattis or doucattis,[13] or ȝardis?[14]

Item, gif þair be ony trew brekaris,[15] or ony þat ſettis upone aſſurance with Inglifmen, in tyme of weir?

Item, gif þair be ony þat ſtelis wthir mennis pitis[16] out of þair ſtankis?

Item, gif þair be ony diſtroyaris of uthir garis?[17]

Item, gif þair be ony Mutulatioun or diſmembring of ony perſoune?

Item, gif þair be ony þat lyis with wthir mennis wiffis, and diſtrois þair gudis?

Item, gif þair be ony hurdis fundyne wndir þe erde?[18]

[1] From the verb, to *Culye*, to cajole. A cheat or swindler. [2] Who took free quarters, and spoiled the poor and defenceless. [3] Withcraft or sorcery. [4] Salmon. [5] The young fry of salmon. [6] Such as 'elnwands;' measures of length. [7] Measures of capacity. [8] Weights. [9] Theft-boot. [10] Poison. [11] Mixture of metals; alloy. [12] Leagues or Bonds. [13] Dovecots. [14] Gardens. [15] Truce-breakers. [16] Peats; turf. It is likely, however, from the '*ſtankis*' or ponds being mentioned, that the word ought to have been written *picis* or *pikis*, for pikes. [17] This is likely to have been *cunyngaris*, rabbit warrens, but improperly transcribed. [18] Hoards or *poſes* found under ground.

JEDWORTHE.

Item, gif þair be ony ſlaaris of haris in ſnaw?

Item, gif þair be ony within burghe þat purcheſſe lordſchip, in oppreſſioun of his nychtboris, or to pley with þame at bare?[1]

Item, gif þair be ony Malt-makaris þat ſellis malt ane put to þe mark . . . .?[2]

Item, geif þair be ony perſoun þat has (fals or fenȝeit?) money of þe realme?

Item, geif ony perſone brekis money without þe Kingis Licence?

Item, geif þe Merchandis bringis hayme bulȝeoun, accordin to þe Actis of Parliament, and geif þe cuſtumaris and cunȝeouris dois þair diligence þairto, according to þe ſaidis Actis of Parliament?

Item, anentis Cordynaris, geif þai ſellis ſhone and butis and pantounis . . . . .[3] þan is contenit in þe actis of Parliament, þat is to ſay, a pair of mennis . . . . .[4] ſolit ſhone for xij d.; a pair of double ſolit ſhone xviij d.; a pair of . . . . . .[5] ij ſ.; a pair of butis vj ſ.; wemen and childoris ſhone for viij d. þe pair, and utheris geir accordin to þair pricis.

Item, geif Berkaris[6] ſellis þair ledder,[7] according to þe ſaidis pricis?

Item, geif ony Baxtaris[8] makis ony conventionis and gaderingis, and brekis þe aſſis . . . . .[9] to þaim be þe Officeris of þe toune; or ſtalis þe toune and baikis nocht eftir þe pricis þat is gevin; or ellis haldis abak ande fulfillis nocht þe ſamyn?

Item, geif þair be ony Maſterfull beggaris?

Item, geif þair be ony nichtbouris within burghe þat uſurpis agane[10] þe Officeris maide in burghe?

Item, geif ony malt-makaris of Leithe, Edinburghe or uthir placis, ſellis þair malt, unput to þe mercat of þe burghe. And geif þai tak mair þane a boll of beir for a chalder making?

And geif þair be ony þat pakis, or pelis, or houſis wol, ſkin, hidis, outwith þe hede-burghe, ſik as Leithe, and uther unfré Portis and placis; or takis away þe gudis, uncuſtumyt?

Curia *Juſticiarie de* Jedburghe, *inchoata die Martis, Novembris xvij,* 1510, *coram* Andrea domino Gray, *Juſticiario ſ. d. n.* Regis *ex parte Auſtrali aque de Forthe.*

[The chief incident connected with this *Aire*, which the Editor recollects, is the remarkable occurrence related by Bishop Lesley,[11] who quaintly informs us, that 'The King raid furth of Edinburgh, the viij of November one the nycht, weill accumpaneit, to the Watter of Roulle; quhair he tuik divers brokin men, and brocht them to Jeduart;[12] of quhom ſum wes juſtifeit:[13] And the principallis of the

[1] Plea or litigate at the bar. [2] This evidently ought to have been 'oneput (or *uneput*) to ye market.' [3] If they sell shoes, boots, or pantons (*pattens,*) at mair or at greater price than is contained, &c. [4] 'Singill' soled shoes. [5] Pantounis. [6] Barkers, tanners. [7] Leather. [8] Bakers. [9] The assise set to them, &c. [10] Against. [11] The Original Scottish copy printed by *the Bannatyne Club*, quarto, 1830, p. 81. [12] Jedburgh. [13] Executed.

trubillis cum in lyning claythis,[1] with nakitt fordis in thair handis, and wyddyis[2] about thair neckis,[3] and pat thame in the Kingis will; quha wes fend to divers Caftells in Ward, with findrie utheris of that cuntry men, alfo, Quhair throughout, the Bourdouris wes in greiter quietnes thairefter. THE KING thairfra paffit to Perth, quhair Juftice-Airis wes haldin the reft of that winter.'—*Sir James Balfour* contents himself with remarking, generally, that 'THE KING this ȝeire, 1511, applays himfelue uoholly to the fuppreffing of Rebells, and the adminiftratione of juftice one robers, outlawes, and fuch lyke.'[4]]

Lady Buccleuch amerciated.

Nov. 19.—BELDE[5] ROBIN SCOT.—The Lady of Bukcleuche[6] called as lawful furety of *Belde Robin Scot*, as fhe received him in Indenture from the Coroner;[7] and not compearing, was amerciated the fourth day of the Aire. The faid Robert denounced at the horn, and his goods efcheated.

Slaughter.

WILLIAM KER in Quhitmere, and James his brother.—Andrew Ker, fon of Ralph Ker of Primfydloch, often called to enter the faid William to underly the law for art and part of the Slaughter of John Broune, under the pain of 100 merks; and not compearing, was amerciated in the faid fum: And failing the goods of the faid Andrew, that the faid Ralph fhall be diftrained, becaufe he bound himfelf to make his fon fufficient for the faid amerciament.—The faid William denounced at the horn, and his goods efcheated to the King.

Slaughter of Sir William Colvile of Uchiltree, knight.

Nov. 20, (*die Mercurij, quarto die Itineris.*)—GEORGE HALIBURTON, Mark Ker of Dolphinftoun often called to enter the faid George to underly the law, for art and part of the Slaughter of (Sir) William Colvile of Uchiltre (kn[t]), and Richard Ruthirfurde, under the pain of 100 merks; and not compearing, was amerciated in the faid fum. The faid George denounced at the horn, and his goods efcheated to the King.

Slaughter of the Laird of Falahill.

Nov. 22, (*die Veneris, quinta die Itineris.*)—ANDREW KER of Gate-

[1] Linen clothes. [2] Halters; literally *withies*, which were sometimes employed for hanging the Border Thieves, at an early period. [3] The following interesting illustration of this humiliating practice is perhaps the most extraordinary which can now be cited: 26th Oct. 1629, 'ROBERT ABROCHE, ane MAKGREGOUR, ane grait lymer, quha haid bene anis or twyfe forgewin and remittit be HIS MAIESTIE for his Oppreffioun, wpone houpe of amendiment, ȝit he continewit ftill in his knawrie: And efter thair wes mekill fearching maid for him in THE HIELANDIS, and all his freindis chargit to apprehend, come in to PERTH this day, being Twyfday, ane preaching day efter fermone, and fell doun on his kneis, and ane tow (*rope*) about his neck, and offerit his fuorde be the point to THE CHANCELLAR OF SCOTLAND, quha refuiffit to accept of it, and commandit the Bailleis to ward him: Lykeas they inftantlie wardit him, and patt baith his feitt on the gade, quhair he remanit.'—*Mercer and Fleming's MS. Chronicle*, Adv. Library. [4] *Annales*, I. 234. [5] Bald-headed. [6] Elizabeth, daughter of Walter Ker of Cefsford, and relict of Philip Rutherford, younger, of that Ilk. [7] There is no indication of his crime.

ſchaw.—James Ker of Quhitrig, and Lancelot Ker, ſone of Andrew Ker, often called, as ſureties, to enter the ſaid Andrew, to underly the law, for art and part of the Slaughter of John Murray of Falohill, under the pain of 100 merks, &c. as above.

Slaughter of the Laird of Falahill.

Thomas Scot, brother of Philip Scot of Aidſchaw.—William Scot in Hawik, George Scot in Goldelandis, and David Scot in Quhithauche, often called to enter the ſaid Thomas to underly the law, for art and part of the Slaughter of John Murray of Faulohill, under the pain of 100 merks; and not compearing, they were amerciated in the ſaid ſum. And failing the goods of the ſaid ſureties, if inſufficient for the amount of the ſaid amerciament, that the goods of William Scot in Fynwik, and John Scot of Hanyng, ſhall be diſtrained, becauſe they obliged themſelves to make the foreſaid ſureties ſufficient.—Thomas Scot was denounced at the horn, and all his moveable goods eſcheated to the King.

Burning of Branxholm and Ancrum — Intercommuning with English Traitors, the Armstrangis, &c.

Nov. 24, (*die Saboti, ſexta dies Itineris.*)—John Dalglese produced a Signature of Remiſſion for art and part of the Theft of xvj cows and oxen from John Scot: *Item*, for the traiterous Intercommuning with Symon Turnbull and his accomplices, Engliſhmen, in treaſonable manner: *Item*, for Reſetting of William Dalgleſe, common Theif, in his Thefts; and ſpecially during the time of the Theft of eighty ſheep from Thomas Murray: *Item*, for treaſonable inbringing of *Black John Roucleſche*[1] and his accomplices, traitors of Leven, to the Burning of Branxham; and 'Hereſchip' of horſes, oxen, grain, and other goods, extending to 'vj^{c} markis:' And for the treaſonable Intercommuning with the ſaid Traitors, in their treaſonable deeds: *Item*, for Intercommuning with '*the Armſtrangis*' at the time of the Burning of Ancrum, and at other times: *Item*, for Theft and concealing xx oxen and cows from John Scot, furth of Northhous: *Item*, for Reſetting the ſaid Rebels, at the time of the Theft of four horſes from Philip Faulo and his neighbours, furth of Quhitcheſter-holme: *Item*, for Reſetting *William Dalgles* and *Symon Dalgles*, Thieves and Traitors of Levin, in their Thefts and treaſonable deeds: *Item*, for common Treaſon, common Theft, and common Reſet of Theft, before the date of his Remiſſion.—And becauſe he could not find ſureties to ſatisfy the parties, judgment was given that he ſhould be Warded by the Sheriff forty days—and if he could not find ſureties in the mean time, that he ſhould be Hanged.

[1] Roughcliffe, or Rowcleff?

Intercommuning with a Rebel.

ROBERT DALGLES, in Howdane, produced a Remiſſion for Reſetting, ſupplying, and Intercommuning with *John Davidſone.*

Resetting Thieves and Rebels.

THOMAS DALGLES, in Braidhauche, produced a Signature of Remiſſion for art and part of the theftuous Reſetting of *Symon Dalgles* and his accomplices, the time of the Theft of five horſes from David Hoppringle of Tynnes, price of one of them xx merks, and of the reſt of them xl merks: *Item*, for the theftuous Reſetting of *Walter Dalgles* and his accomplices, the time of the Theft of xvj oxen from the ſaid David, furth of Bochill.[1]—Judgment was given that he ſhould be WARDED as above—and if he could not find ſurety in the mean time, that he ſhould be HANGED.

'Herreschip' of the Laird of Cruikstoun, &c.

THOMAS and WILLIAM DALGLESE, in Braidhauche, produced a Signature of Remiſſion for art and part of the Stouthreif and 'Herſchip' done upon the Laird of Crukſtoun and his tenants, and Stouthreif from them of lxxj oxen and cows, xiiij horſes, and heifers, and houſehould goods, to the value of 'xl markis.'—Judgment given as above.

Horse and Cattle Stealing — Stouthreif — 'Herreschip.'

ROBERT HAW (HALL?) in Heveſyde[2] produced a Reſpite for art and part of the Theft of four horſes and heifers, and houſehold goods to the value of fifty 'markis,' from William Jackſoun, furth of Ruthirfurde: *Item*, for art and part of the Theft and concealment of a horſe, value xx l. from Adam Edgar, furth of Baſſindene: *Item*, of a ſaddle, 'le bridill, *cadurce*,[3] a pare of ſplentis, a ſuerde, a buklere,' price ten 'markis:' *Item*, 'vnius ſubuncule,[4] unius toge,[5] lodicum lintheaminum,'[6] and other houſehold goods to the value of ten merks, from the ſaid Adam, furth of his houſe, at the ſame time: *Item*, for the Theft and concealment of two oxen from Thomas Johneſoun and Dougall Wilſoune: *Item*, of the Theft of a cow and eleven 'hoggis'[7] from the Laird of Boyne-Jedworthe and Sir Henry Vallas, &c. &c.:[8] *Item*, of the Stouthreif of five horſes and heifers, gold and ſilver, and houſehold goods to the value of iij[c] merks, from William Jackſoun, &c. &c.: *Item*, of art and part of the 'Hereſchip' of a horſe, houſehold goods, and a 'bag-pipe,' price 20 merks, from George Weyr: *Item*,

[1] Bowhill? [2] Heavyside. [3] It is doubtful what this word is intended to mean. It primarily signifies a coverlet, and is supposed to apply to a sort of shield or target. [4] A woman's kirtle. [5] Gown. [6] Linen sheets. [7] Sheep of a year old, before shearing their first fleece. [8] What follows is of no interest.

of Refetting, fupplying, and intercommuning with the King's Rebels, being at the horn, &c. &c.: *Item*, of theftuously breaking the houfe of William Rutherfurde, in Nether Chetto.—And becaufe he could not find fureties to fatisfy parties, SENTENCE was pronounced, that he fhould be WARDED by the Sheriff for forty days—and if, in the mean time, he did not find fureties, that he fhould be HANGED.

Deforcing a Messenger — Oppression, &c.

Dec. 6, (*die Iovis, xiiij die Itineris.*)—ALISONE CUTHBERT, in Ednem, James Tynkler, and fifty-five others refiding there, CONVICTED of Deforcement and difobedience, done to John Couper[1] Meffenger at Arms, Sheriff in that part, coming to the lands of Ednem with the King's Letters, for poinding James Edmonftoun of Ednem, for a certain fum of money due to Jonet Edmeftoune: And when the faid fheriff in that part had diftrained fheep and oxen for the faid fum, the forefaid perfons came in warlike manner, to the number of two hundred perfons, and deforced the faid fheriff: *Item*, for Oppreffion done to the faid Jonet, and Adam Home her fpoufe, in hindering them from labouring and manuring her lands of Ednem, and thereby breaking the King's Letters of Protection.—SENTENCE. That the forefaid perfons fhall be put in fure prifons for the fpace of a year and a day—and their lives to be at the King's will; and all their moveable goods to be efcheated to the King.

Treason — Art and part with the Duke of Albany.

Dec. 9, (*die Saboti, vltima*[2] *die Itineris.*)—JOHN MURRAY, alias *Blak Johnne*, permitted to compound for art and part with Alexander Duke of Albany, in his treafonable deeds.—David Hoppringill and Mr John Murray became fureties to fatisfy the parties.[3]

CURIA *Itineris Jufticiarie de* SELKIRK, *tenta die Lune, ix Decembris*, 1510, *coram* ANDREA DOMINO GRAY, *Jufticiario, &c.*

Destroying the Woods in Ettrick-Forest.

Dec. 11, (*die Mercurij, tertia die Itineris.*)—WALTER SCOT of Howpaflot, the LAIRD OF CRANSTOUNE, and thirty-four others, CONVICTED of deftroying the Woods of Ettrik-Foreft. Each of them fined 'iij li.'

A great many fimilar Cafes occur for deftroying the Woods in ETTRICK FOREST, and on the Water of BORTHWICK, at this time; for which offence many of the leading proprietors were convicted, fuch as the Hoppringills of Smalham, Tynnes and Torwoodlee, Ker of ȝare, John Murray (the Sheriff), &c.

[1] See Oct. 17, 1510. [2] Viz. xvi. [3] '*Summa* totalis hujus Extractus, I^m.V^c.xxvij li.'

The Aire terminated on Dec. xiv, *die Saboti*, being the fixth day of the Aire, but there are no entries of any importance.[1]

CURIA *Itineris Jufticiarie de* PEBLIS, *tenta die Saboti, xiiij Decembris*, 1510, *coram* ALEXANDRO GUTHRIE *de eodem, milite, Jufticiario deputato Andree domini Gray, &c.*

Slaughter of a Common Thief.

Dec. 18, (*die Jovis, v die Itineris.*)—GEORGE TUEDY delated of art and part of the Slaughter of William Zoung; and being accufed thereof, the forefaid Juftice depute, with the counfel and advice of the Lords then fitting as Affeffors to him, becaufe it clearly appeared that the faid William had been and was a common Thief, as was proved by fundry of the King's Letters, under his fignet and fubfcription-manual, for taking the faid William, &c., and that he had been flain in the commiffion of Theft and crimes: Therefore, the faid George was acquitted of the crime of the forefaid Slaughter; and command was given to the Juftice Clerk, that the faid George fhould never, thereafter, be taken or indicted for the fame.[2]

CURIA *Itineris Jufticiarie de* EDINBURGHE, *coram* ANDREA DOMINO GRAY, *Jufticiario, inchoat. die Saboti, viij Februarij*, 1510-(11.)

Slaughter.

Feb. 11, (*die Mercurij, iv die Itineris.*)—GILBERT CAMEROUN produced a Signature (of Remiffion) for art and part of the Slaughter of John Flemyn of Torbeddo: *Item*, of the Stouthreif of a fword, a 'bukler, a bonet,' and a French crown from him, at the fame time.—John Murhede, in Bathcat, and Thomas Douglas, in the faid parifh, became fureties to fatisfy the parties.

Perjury—Wilful Error on Assise.

Feb. 12, (*die Jovis.*)—ALEXANDER BERTOUNE, Robert Lumly, and xv others, Affifors, CONVICTED by a Great Affife (Grand Jury) of Wilful Error and rafh fwearing, finding John Laufoun, George Corntoun, Florence Corntoun, Edmund Cokburne, and Andrew Atkin, quit and free of the difturbance[3] done to John M^c^ferland;[4] and finding the faid John M^c^ferland to be convicted and

[1] The 'fumma totalis' is not inserted. [2] 'SUMMA totalis, Extractus, I^c^lvj li. xvj f. viij d.' (L.156, 16s. 8d.) [3] 'Quittos et immunes de *perturbia* feu *perturbacione* facta.' These words are usually rendered 'diftroublance' in the old Records. The crime was probably mutual Assault, arising out of Feud between the Laird and the townsmen of Dumbarton. [4] Probably Sir John Macfarlan of that Ilk, or of Arrochar, who, according to Douglas's Baronage, was killed at the Battle of Flodden, and, as is understood, was knighted on the eve of the battle.

guilty of disturbance done to the said John Lausoune and his accomplices, as is fully contained in the Roll of the Constabulary Court; by favor and partial means.—Sentence. That all their moveables, as well cattle as other goods, shall be *escheated* to the King: And that they shall be *imprisoned* for year and day, and farther, at the King's Will: And that they shall be perpetually infamous and perjured.

Oppressing the Laird of Niddry Marishal—Battery pendente lite.

Feb. 19, (*die Jovis, xj die Itineris.*)—Symon Prestoune of that Ilk, and John Littill, his man, came in the King's Will for art and part of the Oppression and forethought felony done to Archibald Wauchope of Nudry-Marschell and his men, making Convocation on Aug. 5, 1495, with warlike arms, to the number of sixty persons, and hindering him from coming to his own Place (of Niddry) from the Kirk of Pennecuk; before judgement was pronounced between the said parties by the Lords of Council.—The Laird of Prestoune became surety to the King and party, for himself and the said John. (Fined x l. and v l.)

Oppressing the Laird of Bass, &c.

Feb. 25, (*die Mercurij, xv die Itineris.*[1])—Thomas Dicsoune, at the Monastery of Hethingtoun,[2] Luke Hepburne, and William Bracanrig, there, came in the King's will, for art and part of the Oppression done to Robert Lauder of Basse, coming under silence of night to the lands of Quhitcastell, and casting down the House built there by the said Robert.—The said Thomas, &c., and Patrick Hepburne of Beynstoune, became sureties to satisfy the King and party. (Amerciated xv merks.[3])

Curia *Itineris Justiciarie, inchoatu die Lune, xx die mensis Octobris*, 1511, *coram* Andrea domino Gray, *Justiciario, &c.*

Treasonably taking the Castle of Lochdoun, &c.

Oct. 30, (*die Mercurij, viij die Itineris.*)—William Craufurde, son of William Craufurde of Lefnorys, admitted to compound for art and part of the treasonable taking of the King's Castle of Lochdoun from Sir David Kennidy, kn[t], (Captain thereof,) and 'Herefchip' and Oppression done to the said David, in 'Herefchip' of the said Castle: And for Refetting, supplying, and

[1] This Aire lasted nineteen days, and terminated on Monday, Mar. 3. 'Summa totalis hujus extractus, vij^c xxxviij li. iij f. iiij d.' (L.738, 3s. 4d.) [2] Haddington. [3] In this and all other similar instances where the amerciament is marked, it is a fine to the King. The composition with the party was a matter of private settlement or reference.

Intercommuning with the King's Rebels, being at the horn, viz. David Craufurde (of Kerſe,) John Schaw (of Keris,) and the 'Crechtounis.'—The Laird of Gaitgirth became ſurety to ſatisfy the parties.

Treasonably taking the Castle of Lochdoun.

ALAN CARTHCART of Clowlynan, John Craufurde of Drongane, and five others,[1] were admitted to compound for the treaſonable taking of the Caſtle of Lochdoune, as above.—Alexander Kennydy, young Laird of Bargany, ſurety, &c.[2]

Cruel Oppression — Stouthreif, &c.

Nov. 4, (*xj die Itineris.*)—HEW EARL OF EGLINTOUNE, Thomas Montgumry in Kilbride, John Montfoide, younger of that Ilk, and ſeven others, admitted to compound for art and part of Convocation of the lieges, and for art and part of the forethought felony and Oppreſſion done to John Scot, burgeſs of Irvin; and of Stouthreif of pots and 'pannis, plattis, and pewdir weſchell,'[3] from the ſaid Johne, furth of his houſe, extending to xx l.: *Item*, for the forethought felony and Oppreſſion done to the ſaid John and his wife, coming to his houſe, and cruelly ſtriking his wife with 'bauche ſtraikis,' at the time of the Stouthreif of the ſaid goods: *Item*, for forethought felony and Oppreſſion done to the ſaid John, taking him into the Tolbooth of Irvin, and conducting him to the lodging of the ſaid Laird (of Montfoide?), and detaining him there for the ſpace of ſix hours againſt his will; and then conducting him to the ſaid Tolbooth as a Thief, and putting the ſaid John in the 'ſtokkis,' and incarcerating him therein: And for the Oppreſſion done to the ſaid John's wife, at the ſaid Tolbooth, tearing her hair, cruelly ſtriking her, and pulling out her hair in great quantities.—The ſaid Earl and the Laird of Montfoide became ſureties, conjunctly and ſeverally, renouncing the benefit of diviſion, to ſatisfy the parties.[4]

CURIA *Itineris Juſticiarie de* WIGTOUNE, *inchoata die Saboti, viij Novembris,* 1511, *coram* ANDREA DOMINO GRAY, *Juſticiario, &c.*

The Coroner of Wigton to produce Deforcers in Court, &c.

Nov. 14.—'ÞE JUSTICE commandit Archebald M'Cullocht, Crovnar, to bring in jugement to morne[5] *Henry Neleſon, Johne Tait, William Neleſoun,* till vnderly þe law for þe Deforſing of our fouuerane lordis Officiar,[6] vnder þe pane of puniſing of him with ſiclike punitioun as thai ſald be pvniſt.'

[1] Persons of no note. [2] Several other Cases occur at this Aire for the same crime; but the parties were of no consequence. [3] Pewter vessels. [4] The Aire terminated Nov. 6, *xiij° die Itineris.* 'SUMMA totalis Extractus, viij^c xxvj li. vj ſ. viij d.' (L.826, 6s. 8d.) [5] To bring into Court to-morrow. [6] Messenger at arms.

Slaughter.

Nov. 18, (*die Mercurij, nona die Itineris.*)—Nevin M'kello and Patrick M'kincroſche. 'Med. þat þe Scheref-deput, Mungo Murray, at þe command of þe Juſtice, relaxt Nevin M'kello and Patrik M'kincroſche fra þe proces of þe horne, and gaif þaim þe wand of pece,[1] for þe Slauchtir of Aliſoun M'gillhaffis dochtir.'[2]

Curia *Itineris Juſticiarie de* Kirkcudbricht, *inchoata die Veneris, xxj Nov.* 1511, *coram* Andrea domino Gray, *Juſticiario.*

Theft from the Abbot of Dundrennan.

Nov. 23, (*die Saboti, ij die Itineris.*)—John Story, in Dundranane, admitted to compound for art and part of the Theft of 300 merks and a gold chain from the Abbot of Dundranene: *Item,* for art and part with Eduard Story, common Thief, in his Thefts; and ſpecially, the time of the Theft of a box from the ſaid Abbot: *Item,* for treaſonably going out of the kingdom, and remaining in England: *Item,* for common Theft and common Reſet of Theft.—The Laird of Bomby became ſurety to ſatisfy the parties.

Oppreſſion — Striking a Sheriff or Meſſenger, &c.

Nov. 27, (*die Jovis, v die Itineris.*)—Master William Levinax of Caly produced a Signature of Remiſſion for being art and part of the forethought felony and Oppreſſion done by him to Roger Gordoun of Garlarg, the King's Sheriff in that part, having the King's Letters in his hands to ſummon the ſaid Mr William, at the inſtance of John Gordoun of Lochinvar, ſtriking the ſaid Sheriff in that part with a ſtaff, and drawing his 'quhinȝeare' upon him: *And* of art and part the contempt and treaſon thereby done to our ſovereign lord the King: *And* of theftuouſly deſtroying the Woods belonging to the Laird of Lochinvar.—The ſaid Mr William, and William, his ſon and heir apparent, became ſureties to ſatisfy the parties.[3]

'Raid of Drumfreſe, at Lammes-evyn' — Slaughter.

Nov. 29.—The quhilk day, Johnne Lorde Maxwell obliſt him, þat betuix þis and Candilmes nixt to cum, þat he ſal pleſe my lorde Secreter and his clerk for þair feis of þe Selis and writingis undir þe Signet, of all þe perſonis being at þe Raid of Drumfreſe at Lammes-evyn, and Slauchtir committit at þat tyme; betuix þis and Candilmes nixt to cum, &c. And þis to be extendit in þe

See Notice to Oct. 11, 1531, and Jul. 23, 1566, *Note.* [2] 'Summa *totalis hujus Extractus,* vij^c lix li.' (L.759.) [3] This Aire terminated *Dec.* 3, *x die Itineris.* 'Summa totalis Extractus, vij^c lxiiij li. xiij ſ. iiij d.' (L.764, 13s. 4d.)

beſt forme, ... decret, and þat lettres be direct þairupoun. Domini Abirdene, Ca.,[1] Ergile, Errole, M. James Henryſoun, ... Scot de Balwery.

CURIA *Itineris Juſticiarie de Edinburghe, inchoata die Martis, xxvij Aprilis,* 1512, *Coram* ALEXANDRO LAUDER *de Blythe, milite, Prepoſito de Edinburghe, deputato* ANDREE DOMINI GRAY, *Juſticiarii.*

Forgery — Making false Money.

JOHN SYMONTOUN of that Ilk.—Robert Menzeis of that Ilk, John Tuedy of Drummelzar, James Lokart of Le,[2] and Richard Broune of Cultermanis, were often called to enter the ſaid John, to underly the law for art and part of treaſonably ffabricating and making Falſe money within the kingdom; as they became ſureties, conjunctly and ſeverally, under the pain of 1000 merks, renouncing the benefit of diviſion: And not compearing, they were amerciated in the ſaid ſum.

WILLIAM INGLIS of Langlandhill.—Robert Menzes of that Ilk often called as ſurety to enter the ſaid William, to underly the law, for art and part of treaſonably making the ſaid falſe money, under the pain of 100 l.: And not compearing, he was amerciated in the ſaid ſum.

[*Andreas Dominus Gray, Juſticiarius.*]

(Jul. 23.)—The Lairds of Symontoun and Langlandhill were Reſpited for three months, from Jun. viiij, for the above crime.

REX,

WE grant and gevis full Licens and fredome, be þir our lettres, to JOHNE SYMONTOUN OF THAT ILK and WILLIAM INGLIS OF LANGLANDHILL, now beand wndir accuſatioun of crime of Treaſone for ffalſe Money, to analy,[3] fell, and wodſet[4] þair landis, heretage, and gudis, in all or in pairt, to quhatſumeuer perſonis, as thay ſall think expedient, to furnis expenſe for puttin of þair airis[5] in þair landis and heretage, and outredding of ſoumis aucht[6] to ws be þair airis for compoſitioun, and doing of þair wthir neidfull erandis; and to paſs at large quhare þai pleiſe within our realme, without ony arreſt or accuſatioune for þe ſaid crime, for þe ſpace of Thré monethis; to mak penny of þair landis and gudis, as ſaid is. AND alſe, we gif licens to all our liegis to by[7] or tak in wadſet fra þe ſaidis John and William, or athir of þame, þair landis or gudis; and will and grantis þat þe alienatioun and ſelling þairof ſalbe na cauſe of recognitioun nor forfaltour of þair landis, nor dangir nor ſkayth nawyis to þe byaris nor ſellaris, nochtwithſtanding þat þai ſtand now wndir accuſatioun of þe ſaid crime of Treſone. AND alſe, gif þe ſaid Johne and Williame pleſis to put þair ſonnis and apperand airis in fee of þair landis, We ſall reſſaue reſignationis þairof, in favour of þair airis, or gif[8] Confirmationis apoun þair awin Charteris, ſafar[9] as is halding of Ws, in þe ſickereſt[10] forme þat can be deviſit. ATTOUR,[11] We, of our ſpeciall favouris and grace, Remittis and Diſchargeis, for ws and our ſucceſſouris, in favor of þe ſaidis airis, all proces of fforfaltour and of our horne, quhilk, be rigour of law, micht be led apone

[1] Cancellarius, viz. Alexander Stewart, Archbishop of Saint Andrews, natural son of King James IV by Margaret Boyd. He was slain at Flodden. [2] Lee, in Lanarkshire. [3] Annailzie. [4] Wadset. [5] Heirs. [6] Owing. [7] Purchase; buy. [8] Give. [9] So far. [10] Surest; securest. [11] Moreover.

þe faidis Johne and William for þe faide crime of Trefone, fa þat eftir þair decefe þair airis may fucceid to þaim in þair landis, heretege, and gudis, and entir þairto be courfable brevis of our Chapell,[1] ficlik and alfe lauchfully as and[2] þai had nocht committit þe faid crime, nor had nocht bene wndir accufatioun þairof. AND alfe, We grant and gevis, and for ws and our fuccefforis renuncis, quhitclamis, and difchargeis to þe airis of the faidis Johne and William, and þair affignais, all our efcheit þat we or our fuccefforis mycht have of þair faid landis and gudis for þe faid crime of Trefone, gif[3] þe proceffe þairof war led apoune þame; and all rycht, interes, titill, and clame of rycht, petitour, and poffeffour þat We or our fucceffouris hes, or ony wyfe mycht have, þairto. þat is to fay, to þe faid Johnis airis and þair affignais, þe efcheit of his landis and gudis; and to þe faide Williamis airis and þair affignais, þe efcheit of his landis and gudis; becaus þe faidis airis maid compofitioun with our Thesaurar for þe famyn, and þait[4] foumis of mony þairfor to him in our name. GEVIN wndir our Preivé Seill, at Edinburghe, þe viij day of Junij, þe ȝeir of God I^m.V^c. and xij ȝeris, and of our regne þe xxiiij ȝere.

Feud between the Maxwells and the Creichtons — Slaughter of the Laird of Kirkpatrick, while at the Horn, &c.

[THERE seems to be no doubt that the deadly Feud and Slaughter, which form the subject of the following solemn proceedings, arose out of the Battle between the MAXWELLS and CREICHTOUNS on the Sands of Dumfries, in the month of July, 1508. These families were indisputably the most powerful Barons of Nithsdale, and had long been at enmity with each other. The vigorous measures adopted by KING JAMES IV had for a considerable time restrained them from proceeding to personal hostilities, but at length they suddenly broke out into open violence, having apparently challenged each other to the field, to decide their quarrel by force of arms. *Bishop Lesley* gives a short but striking account of this affair, which it is thought proper to quote here.—'Thair wes a gret gaddering the xxx day of Julij, betuix the LORD MAXWELL and the LORD CREYCHTOUN OF SANCHAR, quhair the Lord Creychtoun[5] was chaiffit with his cumpany fra Drumfreis, and the Laird of Dolyell and the young (Laird) of Crauchlay flane, with divers utheris, quhairof thair appered greit deidly feid and bludfhed; bot THE KING tuk fic ordour, partlie be juftice and partely be aggrement, that the hole canfe was fuddanlye quyeted and ftanched.'[6]

Robert, *third* Lord Maxwell, fell at the fatal Field of Flodden. On the other hand, his antagonist, Robert, *second* Lord Crichton of Sanquhar, ancestor to the Earls of Dumfries, survived many years. His son, William, the *third* Lord Crichton of Sanquhar, was stabbed to death in the house of the Governor of Scotland, the Duke of Chatelherault, by the Lord Sempill; and his great grandson, Robert, the sixth Lord, was executed at Great Palace Yard, Westminster, Jun. 29, 1612, for being accessory to the far-famed Murder of John Turner, a Fencing-master, who had thrust out one of his eyes, while they were practising together, with his foil.[7]

SIR WILLIAM DOUGLAS of Drumlangrig, one of the parties more immediately concerned in the present case, was likewise a very powerful Baron, being an ancestor of the noble house of Queensberry. He married Elizabeth, daughter of Sir John Gordon of Lochinvar, and fell at Flodden, Sep. 9, 1513.

So great a sensation did this case make, that it was evidently the immediate cause of the subsequent 'Act anent the Reffet of Rebellis,' &c., to which the reader is particularly referred.]

[1] Brieves from Chancery. [2] An; if. [3] If. [4] Paid. [5] *Sir James Balfour* merely says, 'the LORD SANQUHARE wes onerthrowen, and maney of his frindis killed.' *Annales*, I. 231. [6] *Lesley's History*, BANNATYNE CLUB'S Edit. Quarto, 1830, p. 78. [7] It is asserted that his lordship bore his misfortune patiently, until, happening to be at the court of Henry the Great of France, the King enquired 'How he had lost his eye?' 'By the thrust of a sword,' replied his lordship.—'Does the man yet live?' rejoined the King. From that hour he is reported to have determined on putting Turner to death—who not being his equal, he resorted to the horrible expedient of assassination, which was effected by a fellow of the name of *Robert Carlyle*, who, with the assistance of an accomplice, pistolled the unfortunate fencing-master.—See *State Trials and Peerages*, &c.

APUD *Edinburghe, xxiiij Septembris, anno Domini I^m. V^c.xij^o.* SEDERUNT *Domini ſubſcripti,* (REGE *preſente,*)

ARCHIBALD, ERLE OF ANGUSE,
ALEXANDER, ERLE OF HUNTLIE,
ARCHIBALDE, ERLE OF ERGILE,
MATHO, ERLE OF LENNOX,
WILLIAME, ERLE OF ERROLE,
WILLIAME, ERLE OF MARSCHELL,
JOHNNE, ERLE OF CRAWFURDE,
WILLIAM, ERLE OF MONTROS,
CUTHBERT, ERLE OF GLENCARNE,
JOHNE, ERLE OF ATHOLE,
ANDRO, LORD GRAY,
WILLIAM, LORD BORTHUIK,
GEORGE, MASTER OF ANGUS, *
JOHNE, LORDE DROMONDE, *
ROBERT, LORD ERSKINE,
HENRY, LORD SINCLERE,
GEORGE, LORDE SETOUN,
JOHNE, LORD HAY OF ZESTIR,
ALEXANDER, LORDE ELPHINSTOUN,
ANDRO, LORD HERES,
ANDRO, LORD AVANDALE, *
ROBERT LAUDER of ye Bass, kn^t. *
WILLIAM SCOT of Baluery, kn^t.
JOHN CULQUHOUN of Luse, kn^t. *
JOHNE SOMERWELL of Camnethane, knycht, *
ADAM HEPBURNE of ye Craggis, knycht, *
WILLIAM KEITHE of Inuerrugy, kn^t.
ROBERT DOUGLAS of Lochlevin, kn^t.

ANENT the Supplicatioune gevin in to ÞE KINGIS hienes be WILLIAM DOUGLAS OF DRUMLANRIG, deſiring þat þe actioun of cryme imput to him and utheris his men and ffrendis, for þe Slauchtir of umqhill ROBERT CRECHTOUNE OF KIRKPATRICK, ſuld be put to þe delinerance of þe Lordis of Counſale; quhether, gif þe ſaide actioune ſuld be put til ane Aſſiſe, conſidering, þat þe ſaid umqhile Robert was at our ſoverane lordis horne, and his Rebell þe tyme of his ſlauchter? Like as, at maire lenthe, is contenit in þe ſaid ſupplicatioune. AND in likewiſe, anent þe Complant gevin in be ROBERT LORD CRECHTOUN OF ȝE SANQUHAR,[1] and þe kyn and frendis of þe ſaid umqhill Robert, deſyrand, þat þe ſaid actioun of cryme of þe ſaid Slauchtir ſuld be put to þe knaulege of ane Aſſiſe, and na ſenſment[2] nor deliverance to be maide be þe Lordis of Counſale þairvpoune. THE LORDIS OF COUNSALE forſaide, in preſence of ÞE KINGIS hienes, þe reſonis and allegations of bathe þe ſaid partijs, ſene, herde, and undirſtande Decretis and Deliveris, þat þe criminale actioun of þe ſaides Slauchtir, contenit in our ſoverane lordis Lettres and Complante, ſuld be put to þe knawlege of ane Aſſiſe, befor ÞE KINGIS grace, or his Juſtice, criminalie: AND als, deliveris, þat our Soverane lorde may inquire and ſpere[3] at his Counſale, quhere it pleſis his hienes, and cauſe be diſcuſſit be his Counſale, quhethir gif þe ſaid umquhill Robert Crechtoune was at his horne or nocht, the Lettres of Reſpett for aucht dais, grantit be our ſouerane lorde to þe ſaide umquhill Robert, and þe Relaxatioune of him fra þe horne, induring þat tym; and als. þe Lettres of þe denuncing of þe ſaid umqhill Robert, gevin of new be ÞE KINGIS grace þaireftir, to denunce him of new ÞE KINGIS Rebell, þe ſaid viij dais being paſt, and uthir aucht dais þaireftir following; at lenthe ſene, herde, and conſiderit, ÞE LORDIS foirſaide, Findis and Deliveris, þat þe ſaide umquhill Robert was ÞE KINGIS REBELL, and at his horne, þe time of his Slauchtir.

The forſaid Lord Crechtoune, and þe Larde Drumlanrige, ar baithe content, þat ÞE LORDIS OF COUNSALE forſaide be apoun þis Aſſiſe.

[1] The reader is referred to the Appendix for numerous illustrations of this and many other Trials, which occur in the course of the present Collection. [2] Verdict. [3] Ask.

[Coram *f. d. n.* Rege *et Andrea domino Gray, ejus Jufticiario.*]

Sep. 27, (*die Lune.*)—The Court of Jufticiary, in the Cafe between Robert Lord Crechtoun and his men, on the one part, and William Douglas of Drumlanrig and his accomplices on the other part, was continued till tomorrow, without prejudice of parties.

[*Alexander Lauder, Jufticiarius deputatus.*]

Sep. 28, (*die Martis.*)—Continued to Thurfday next, and it was publicly proclaimed, that none of the Affife of the Lords elected thereon fhall retire from the town, until the faid day, and deliverance (of their Verdict.)

Sep. 30.—The Lords declared as follows, having been firft fworn upon the Affife, in the prefent caufe, and thereafter elected by the King to give counfel to him as aforefaid.

Magna Assisa.

Archibalde, Erle of Angus, &c. (viz. the others above named, excepting thofe marked thus *, they being twenty-one in all.)

Verdict *of the Affife, and Judgment following thereon.*

Anent þe accufatioune maide apoun William Douglas of Drumlanrig, Johne Fergussoune *of Cragduroche*, Thomas Fergusson his fone, and þair complices, ffor art and pairt of þe Slauchtir and Murthure of umq^ll Robert Crechtoun of Kirkpatrik, and cryme of Treffone and Lefe-maiefté, allegit apon þe faid William, Johne and Thomas, and þair complices; þe Lordis forfaide, Findis and Deliveris, and confalis þe Kingis hienes, þat þe faid allegit crimes be na Dittay: And þat Lettres be writtin of Difcharge; and Inhibitioun be gevin and direct to Juftice and Juftice Clerk, be our fouerane Lorde, and till all utheris officiaris, þat nane of þame tak in Dittay, attache, arreft, or accufe þe faid William Douglas, or his complices forfaide, for þe faide actioun, and na crime be imput to þame þairapoun, becaufe it was funde obefore be þe faide Lordis, þat þe faid umq^ll Robert, þe tyme quhen he was flane, was oure foverane lordis Rebell, and at his horne, and for uthir refonable caufe, moving þe faide Lordis; except Fergy Fergussoun and Robin Fergussoun, to quham þis declaratioun and confall fall nocht extende, and þaim to be punift, as is contenit in þe decret and deliverance, be certane of þe faid Lordis þairapoune.

Sederunt, *vltimo die Septembris, anno domini I^m.V^c.xij.*

James Archebifchope of Glafgw,
Andro Befchope of Murray,
David Bifchope of Galloway,
Andro Bifchope of Carnes,
George Bifchope of þe Ilis,
Archibald Earl of Angus, &c.[1]
John Priour of Sanct Androis,
Alexander Lauder of Blyth, (kny^t,) Proueft of Edinburghe,
Mafter Gavane Dumbar, Archidene of Sanct Androis,
Mafter Gavane Douglas, Proveft of Sanct Gelis Kirk of Ed^r.
Mafter Patrik Panthere, Secretar till our fouerane Lorde,
Mafter Robert Formane, Dene of Glafgw,
Mafter James Henrifoun, Juftice Clerk.

[1] The remainder of the Great Assise last mentioned follows, excepting William Keyth of Inverrugy.

Act anent 'the Resset of Rebellis, and Personis being at our soverane lordis horne.'

THE Lordis, Prelatis, (and) Baronis abone written, with avife of þE KINGIS hienes, hes Statut and Ordanit, þat becaufe of þe RESSET OF REBELLIS, and perfonis being at our fouerane Lordis HORNE, is gretlie vfit within this realme, in contrare his Lawis and diverfe Statutis maid be his hienes and his progenitouris; and be þe faid Lawis and Statutis, nocht alanerly[1] þe faid Rebellis and perfonis, being at þe horne, fuld be punift and juftifijt[2] to þe deid, bot als well þe reffettaris, fupplearis, and manteinaris of þam. AND it is thocht rycht odious and hevy to oure foverane lorde and his Lordis foirfaidis, þat ony reffet, fupple, favour, intercommonyn or affiftance fuld be gevin to the faidis Rebellis; and quha þat reffettis, fupplis, or intercommonis with þam to be punift to þe rigoure, according to þe Lawes and Statutis made obefore. AND gif ony perfonis happins to committ Slauchter apone þe faid Rebellis and perfonis being at þe horne, þe tym of þe takin or apprehending of þam, falbe na punct of Dittay; bot þe flaaris of þam to be revardit and thankit þarfore. AND gif ony perfone takis or apprehendis ony perfone Rebell or fugitive, at þe kingis horne, and bringis þe famyn to his hienes or his Juftice, þat perfone, Rebell or at þe horne, till[3] have na Remiffioun of þE KINGIS hienes, without fpeciale confent of þe perfonis takaris of him; and to be revardit be þE KINGIS grace, be þe gevin of þe half of þe vnlaw of þe perfone fugitive, or at þe horne, or his plegeis was unlawit or amerciat obefor, or be þe gevin of þe half of his efchet gudis, or uþer pairt þairof as falbe thocht (juft) be þE KINGIS hienes. AND as to þe revarding or gevin of Remiffionis till indure for þe fpace of thre ȝeris nixt to cum, to þe quhilk tyme þE KINGIS grace of his benevolence hes confentit; and þe remanent of þis Statut till indure perpetualy, or quhill it be uþerwais divifit be þe King, his Gret Comfale, or be þe Parliament. ITEM, in likewife it is Statut and Ordanit, þat in tym to cum, anent perfonis REBELLIS, and being at þe horne, and beis takin and apprehendit be ony of our foverane lordis legis, and kepit xxiiij houris eftir þat he be takin, and þe takaris or apprehendaris of him haiffand him in fure keping, ouþer[4] in Caftell, his ftrenth, or uþer fure place; or quhar þe takaris or apprehendaris ar maifteris of pover,[5] quharthrow þe faid Rebell or fugitive at þe Kingis horne may nocht evaide and efchape, and þat be noturly[6] knavin or vndirftand, it fall nocht be lafull to þe kepar, apprehendar, or taker of him, nor to na uþer private perfone to fla him, bot bring him to þe law to be juftifiit be þe lawis of þe realme. AND gif it hapnis þat ony perfone, Rebell or fugitive at þe horn, be flane efter þe faid tuenty foure houris, he beande in firmance[7]

[1] Only. [2] Executed, after legal trial. [3] To. [4] Either. [5] Force. [6] Notoriously, publicly known or understood. [7] Sure custody; imprisoned.

or ſure keping, as ſaid is, þe ſlaaris of him, uþerwayis na[1] in forme of juſtice and ordour of law, be þe Kingis Juſtice, or uþeris havande pover of his hienes or his Juſtice, þat þai be reput and haldin as men-ſlaaris,[2] exceptande, gif ony perſons, kyn, or frendis of þe ſaid perſone being Rebell, or at þe horne, wald reif[3] þe ſaid Rebell or perſone being at þe horne, quharthrou he may nocht be ſurely brocht to þe Kingis hienes or his Juſtice; and in þat cace, he may be lefully ſlane but[4] accuſatioune.

[*Matheus Comes de Lennox, et Alexander Lauder de Blyth, miles, Juſticiarii deputati Andree Domini Gray.*]

Attempting to free a Prisoner from Dunbar Castle.

Nov. 5.—Eugenius M'grume, dwelling with William Lauchlanſon; and Andrew Williamſoun, dwelling with Aliſter Roreſoun, Convicted of art and part of the treaſonable making of Bond and League with *Malmory Malwane*, in Arroche,[5] and one called *Duncanſoun*, and ſundry others in Lochabir and Clanquhattane, for the treaſonable taking and abduction of *Ferquhard M'cyntoſche* furth of the Castle of Dunbar, the ſaid *Ferquhard* being in the ſaid Caſtle, in priſon and ward; and of coming to the ſaid Caſtle to the ſaid Ferquhard, for taking and carrying the ſaid Ferquhard furth thereof.—Hanged.

[Curia *Juſticiarie, tenta apud burgum de* Edinburghe, *die Veneris, Nov. xij*, 1512, *coram Georgeo Domino Setoun,*[6] *deputato* Andree Domini Gray, *Juſticiarij ex parte Auſtrali aque de Forthe.*]

Slaughter of the Laird of Grerstoun.

John Dekesoune, in Grerſtoune,[7] and John, his ſon, convicted of art and part of the Slaughter of George Myddilmaſt of Grerſtoune, committed on forethought and culpable felony.—Beheaded.

Assisa.

The Larde of Haukſchawis,	Andro Glenquhome of the Wra,	Johne Elphinſtoun of Hendirſtoune,
The Larde of Furde,	Rob. Crechtoune of the Quartar,	Johnne Wily of Bonytoun,
John Portwife of Gernkirk,	John Haldane,	James Broune in Peblis,
George Geddes,	Gilbert Barde of Poſſo,	Patrik Paterſoune,
James Bailȝe of Chapelgil,	Wm. Inglis of Langlandhill,	Adam Tuedy.

[*Andreas dominus Gray, Juſticiarius.*]

Murder.

Nov. 23.—Hugh and Archibald Powok, and Charles Patonſoun,

[1] Than. [2] Homicides. [3] Carry him off by force. [4] Without. [5] Arrochar? [6] The names '*Archibald et Matheo de Argile et Lennox*' are deleted. It is likely they had been present, but were afterwards called away to attend the Privy Council. [7] See May 31, 1513.

convicted of art and part of the Slaughter of David Rede, by way of Murder; and for their being at the horn for the ſaid Slaughter.—BEHEADED.

ASSISA.[1]

The Larde of Houſtoun,	The Lard of Gerweſwode,	The Larde of Dunlope,
The Larde of Kilbirny,	The Larde of Dalȝell,[2]	The Larde of Caldwell,
Johne Neſbet of Dalȝell,	Williame Dunlope,	Adam Mailwin,
The Larde of Comſkeyth,	George Cokburne,	Patrik Hepburn.
Bartilmo Dalȝell,	James Biſſait,	

[*Willielmus Comes Errolie et Alexander Lauder*[3] *Prepoſitus de Edinburghe, Juſticiarij Deputati.*]

Slaughter of the Laird of Corsintoun.

[THE following Case is of a kind which, unhappily, was but too frequent in the district where the Slaughter took place, and, indeed, prevailed over a large portion of Scotland. The reader is referred to *The Hiſtorie of the Kennedyis*,[4] for illustrations of a similar nature; which curious fragment the Editor has recently published, being anxious to preserve from the risk of destruction by fire, &c. so remarkable a memorial of the History of a populous and powerful district of this country, at no very remote period.

Having enquired into the subject of the Slaughter of *the Laird of Corsintoune*, little more information can now be obtained than what is contained in the following interesting paper, which has been recovered from the valuable Register of the Privy Seal.[5]

GENERAL REMISSION *to the Lairds of Lefnorijs and Skellingtoune, &c. for the Slaughter of the Laird of Corſintoune.*

JAMES, be the grace of God, King of Scottis. To all and ſindry our Schereffis, Juſtice Clerkis, Crownaris, and þair deputis, and all vþeris our officiaris, liegis, and ſubditis quhom it efferis, (to) quhais knawlege þir our Letteris ſall cum, greting. WIT ȝE, þat, fforſamekle as *Andro Campbell*, ane of þe principall committaris of þe Slauchter of vmquhile PATRIK DUNBER *of Corſintoune*, committit at þe *Kirk of Cumnok*, wes takin and juſtifijt[6] for þe ſammyn; and *Duncane Campbell* and *John Stille*, alſua committaris of þe ſaid Slauchter, ar fugitiue fra our lawis, and put to our horne þairfor; and þe remanent of þe perſonis ſpecaly dilatit of art and part of þe ſaid Slauchter has optenit our Remiſſioune for þe ſammyn: AND becauſe þe ſaid Slauchter was committit at THE KIRK, one Sonday, þe tyme of Meſs, quhenne þe parrochinaris war gadderit, and ane grete multitude of þaim ar dilatit of art and part þairof, WE haue, of our ſpeciale grace, REMITTIT, and be þir our Letterez frely Remittis, to WILLIAME CRAWFURD *of Lefnorijs*, ALEXANDER CAMPBELL *of Skellingtoune*, parrochinaris of þe ſaid Kirk, and generaly to all þe remanent of þe parrochinaris

[1] This is one of the few instances where the Assise consisted of fourteen or any other *even* number, which was commonly avoided, in case of an equal number of Assisers voting; for the Chancellor had no casting vote. [2] Robert (or William) Dalȝell of that Ilk? See note to Apr. 5, 1513. [3] Sir Alexander Lauder of Blyth, knight. [4] Quarto, Edin. 1831, with Illustrations and Notes by the Editor. [5] *Reg. Seer. Sig.*, Vol. VI. [6] Executed; put to death after legal trial.

þarof, and vtheris our liegis, being þair aſſemblit þe tyme of þe committing of þe ſaid Slauchter, all actioune and cryme þat may be imput to þaim, or ony of þaim, for þe ſaid Slauchter, art or part þairof, and all thing þat may ony wiſe follow þairupoun alanerly: And diſchargis þaim and ilkane of þaim for euer, be þir oure Lettreȝ, except þe principale committaris of þe ſaid Slauchter, fugitife and at oure horne for þe ſammyn, and þe vthir perſonis, quhilkis war in ſpeciale dilatit of art and part þairof, and has optenit our Remiſſionis þairupoune, as ſaid is. Quharefore We charge, ſtratly, and commandis ȝow, all and ſindry our Juſticis, Scheriffis, Juſtice Clerkis, Crownaris, and þair deputis, and all vtheris our officiaris, legis, and ſubditis foreſaidis, þat nane of ȝow tak apoune hand to reſaiff in Dittay, arreſt, accuſe, follow, truble, perſew, or proceid aganis þe ſaid William Crawfurd, Alexander Campbell, or ony vtheris our liegis, except before exceptit, for þe ſaid Slauchter, art or part þairof, or ony thing þat may follow þairapoune in our Juſtice-aris, or ony vtheris wayis, or to do ony thing incontrare þis our Generale Remiſſioune be ony maner of way in tyme cummyng; vnder all þe hieſt pane, charge, and offens þat ȝe and ilkane of ȝow may committ and inrin[1] aganis our Maieſtie, in þat part, diſcharging ȝow all our officiaris forſaidis, preſent and tocum, and ȝour deputis of ȝour officiaris[2] for ever, be þir our Lettreȝ of Generale Remit, quhilkis We will haue þe ſtrenth and effect of our Remiſſioune, ſiclik as and þe ſammyn war gevin to þaim all ſpecially nemmit þarein be our Lettreȝ vndir our Grete Sele, without ony impediment, reuocatioune, or agane-calling quhatſumeuir Gevin vndir our Priue Sele, at Edinburghe, þe ſevin day of Jannar, þe ȝere of God I^{m}.Vc.xij ȝeris, and of oure regne þe xxv ȝere. [James R.]

It seems quite unnecessary to add any thing farther to this Case, the parties concerned being so well known.]

Dec. 6.—Robert Campbell of Schankiſtoune denounced Rebel and put to the horn, and all his goods eſcheated, for not underlying the law for the Slaughter of Patrick Dunbar of Corſintoune.[3]—Johne Stewart of Torboltoune, cautioner for his entry, was amerciated in 100l.; and becauſe his goods were not diſtrainable, the goods of the Sheriff of Aire to be diſtrained therefor, becauſe he took the ſaid John as ſurety foreſaid.

George and John Campbell, brothers of the ſaid Robert, alſo denounced, &c., as above; and the Sheriff of Air's goods to be diſtrained for 200 merks of amerciament.—Andrew Bomby is alſo denounced, and the Laird of Schankiſtoun amerciated 40l. as his cautioner.—John Campbell, Pariſh Clerk of Cumnok, replegiated by the Archbiſhop of Glaſgow's Commiſſary (Mr Richard Boithville) to his Regality.

[1] Incur; literally run into. [2] Offices? [3] See also Dec. 9, 1512.

Murder in Edinburgh Castle—Breaking Ward, &c.

Dec. 7, (*die Martis.*)—ANDREW ADAMESOUNE, *alias Weymis*, Convicted of art and part of the Murder and Slaughter of Thomas Peblis, in the Castle of Edinburgh: *Item*, of the Theft of xxvj l. and a silver merk, at the same time: *Item*, for treasonably breaking his prison in the said Castle, and going furth of Ward.—BEHEADED. His head to be put upon the West Port, and his hands and feet fixed upon the Ports of the four Burghs nearest to Edinburgh.

[*Jacobus Comes de Arane Dominus Hammyltoune, Justiciarius deputatus specialiter constitut.*]

Slaughter of the Laird of Corsintoun.

Dec. 9, (*die Jovis.*)—JAMES CAMPBELL of Clewis denounced Rebel, &c. for the Slaughter of Patrick Dunbar of Corsintoun.[1]—George Campbell of Cesnok, surety for the said James, was amerciated 200 merks.

ANDREW CAMPBELL in Strade, Andrew C. in Wodhead, and William Craufurde, were also denounced, &c.; and George Campbell of Watterhede, Mathew C. in Trinȝean, George C. of Cesnok, and George Craufurde of Beaux, their sureties, were amerciated 200 merks for each of them. The following Warrant is engrossed in the Record.

REX,

CLERK of oure Justiciary. It is our will, and we charge ȝow, þat ȝe defeise,[2] and draw furth of our Adjornall, George Campbell of Cesnok, George Craufurd of Beaux, and Matho Campbell, quhilkis ar unlawit as plegis for þe non-entre of William Crawfurd, sone to William Craufurde of Lesnoris,[3] James Campbell, Andro Campbell in Straide, and Andro Campbel in Wodhede, dilatit of þe Slachter of wmq^le^ PATRIK DUNBAR OF CORSYNTOUN. AND alsua, þat ȝe draw furthe of our said buke all wþer persouns þat ar undir panis for þe said Slachter, and þare fouerteis, and þat ȝe defeise þaim þairof, becaus þai haif maid compositioun with ws þairfore. For þe quhilk caus, we REMITT, forgevis, and dischargis þe fornemmit personis and þair fouerteis of þe saide unlawis and panis be þir presentis, subscrivit with oure hande, AT EDINBURGH, þe vij day of Januare, and of our regnne þe xxv ȝere.

JAMES R.

[*Alexander Lauder de Blyth, miles, Justiciarius deputatus.*]

Oppression—Wounding—Breaking a Safe-conduct.

Jan. 8, 1512-13.—HENRY BEG, Englishman, dwelling in Bervik, and Richard Barro, Englishman, his servant, Convicted of art and part of the Oppression done to Alexander Angus of Hoprig: And of the cruel Hurting and Wounding of him, under silence of night, by way of Murder; and of the concealing thereof: And of breaking the King's Safe-conduct granted to the said Henry, by committing the foresaid Hurting and Wounding.

[1] See Dec. 6, 1512. &c. of the same period.

[2] Discharge, free, acquit. This word frequently occurs in Warrants,

[3] He is also stated to be brother of George Crawfurd of Beaux.

Assisa.

James Edmoſtoun of Ednem, Henry Congiltoun of that Ilk, Thomas Louranſtoun of that Ilk,
Alexander Moubray of Cammo, George Lile of Stannepeth, William Newtoune of that Ilk.[1]

[*Patricius Crechtoune de Cranſtoun-Riddale, Juſticiarius deputatus.*]

Slaughter.

Mar. 8, (*die Martis.*)—Charles Murray was denounced Rebel and put to the horn, for not underlying the law for being art and part of the cruel Slaughter of Alexander Biglande.—John Lindſay, formerly of Wauchop, now of Barcloy, amerciated 100 merks for not entering the ſaid Charles, as he had found ſurety to the Steward of Kirkcudbrycht, for that effect.

Abſentes ab Aſſiſa.

William M'clellane of Bomby, William Sinclare of Auchinfranko, Richard Carnis of Barnbauchill,
Thomas Tait of Barnbarrache, Ninian Glendunwyne of Partoun, Patrick Forſter.[2]

Wounding in the King's Chamber.

Mar. 11.—John Makbrak denounced at the King's horn, for not entering to underly the law for art and part of Wounding Thomas Drummond, in the King's Chamber. (On the margin,) 'Iſta denunciacio fuit de ſpeciali mandato domini noſtri Regis.'

[*Archibaldus Comes de Ergile, Jacobus Comes de Mortoun, Georgius Dominus de Setoun, et Alexander Lauder de Blyth, miles, Prepoſitus de Edinburghe, Juſticiarii deputati, Andree Domini Gray, Juſticiarii ſpecialiter conſtitut.*]

Slaughter of Dalzell of that Ilk, &c.—Feud between Lords Maxwell and Crechtoun of Sanquhar.[3]

Apr. 5, 1513, (*die Martis.*)—Robert Graham of Gilleſbe denounced Rebel and put to the horn, and all his goods to be eſcheated; and James Johneſtoune of that Ilk, his ſurety, amerciated 100l. for his not entering to underly the law for the Slaughter and ſtriking of William Dalzell of that Ilk,[4] John Carmichell, young Laird of Carmichell, John Weyr, John Lokky, and Robert Bertoune; according to the form of a Decreet Arbitral.[5]

Thomas Johnestoun of Gartno, William Johneſtoun young Laird of Gartno, David J. brother of John in Bartycupane, Adam Scot of Tuſchelaw, and James

[1] Nine other persons of no rank are also specified. [2] Six others of no note. [3] See Sep. 24 and 30, 1512, &c. [4] Either there must be a mistake in this Record of Justiciary or in the Peerages, as to the Christian name of this person. *Wood* states, that *Robert* Dalzell of Dalzell 'was killed at Dumfreis, in a ſkirmiſh betwixt Lords Maxwell and Crichton, 30th July, 1508;' and that *Robert* of D. was witness to a Charter in 1511.—*Wood's Peerage*, I. 311. See also Nov. 18, 1508. [5] This entry is very obscurely expressed. It does not appear from it which of these parties were struck, and which of them were slain; or whether they were all struck and slain.

Johneftoun of Skare, were alfo denounced Rebels, &c. for the fame crime ; and the Laird of Johneftoun, their furety, amerciated in 100 merks for each of them. —John Johneftoune of Wamfray was amerciated 40l. for not entering *Edward Moffet of Hewek*, who was likewife denounced, &c.

JAMES *alias Jak* BATY, Andrew his brother, Ronald Graham at the Water of Corry, and Patrick fon of Walter Graham, were denounced Rebels, &c. for the fame crimes. JOHN MAXWELL called *France*, Officer[1] of Lord Maxwell, was proved to be fick, and Lord Maxwell became furety for his entry, at the next Juftice-aire of Dumfrefe, under the pain of 100 merks.

Slaughter of stray Oxen.

GEORGE M'CULLOCHE, fon of Archibald, Symon Makcubin, and Andrew Akynnane, were denounced Rebels, &c. for not appearing to underly the law for art and part of the Slaughter of nine oxen, ftraying upon the lands of Glenlufe.

Slaughter.

GEORGE JOHNESTOUN of Auchinfbork, and William, called *Foule-durris*, were denounced Rebels, &c. for art and part of the Slaughter of Iwe Corry, fervant of Sir Alexander Kirkpatrick, kn^t^.—James Johneftoun of that Ilk, his furety, was amerciated in 200 merks, for their not entering to underly the law.

[*Alexander Lauder de Blyth, miles, Jufticiarius Deputatus.*]

Slaughter of the young Laird of Attiquane.

Apr. 9, (*die Sabbati.*)—THOMAS KENNEDY of Bargany,[2] Alexander[3] and John his fons, Rolland his brother, Thomas Ferguffoune brother of the Laird of Kilkerane, John Colvile fon of William, and fix others, were ordained to be denounced Rebels, and all their moveables to be efcheated, for their not entering to underly the law, for art and part of the cruel Slaughter of George Kennedy, fon and heir apparent of George Kennedy of Attiquane.—Execution of horning delayed till Friday nixt, with confent of George K. of Attequyne. David Earl of Caffillis became furety.

[*Andreas Dominus Gray, Jufticiarius, &c.*]

Apr. 20, (*die Mercurij.*)—David Craufurde of Kerfe, and Thomas Corry of Keldwode, amerciated 100l. for not entering the Laird of Bargany, who was put to the horne along with the others.

[1] A Herald or Pursuivant. The Wardens of the Marches, and many of the greater Barons, had Heralds in their train, who were made use of on all solemn occasions, and especially at marriages, feasts, and funerals, &c. 'FRANCE' was the name of this Officer, in like manner as Albany, Marchmont, &c. of the Royal Heralds. [2] 'Refpicitur de proceffu, cornu de mandato Regis, quia poftea amerciatur.' [3] He is styled his 'fon and heir apparent' in a subsequent entry.

[*David Comes de Caſſillis, Juſticiarius deputatus.*]

Sheep and Cattle Stealing.

Apr. 26.—Richard Pott, in Eſkdaill, convicted of art and part of the Theft and concealment of four cows, from George Purwes and Roger Hunter, furth of Carterhope: *Item*, of the Theft of 30 ſheep from the Tenants of Carterhope: *Item*, of the Theft of 16 ſheep from the ſaid Tenants: *Item*, of the Theft of 50 ſheep from the Laird of Halkſchawis: *Item*, for Common Theft.—Hanged.

Nomina Assise.

Dominus[1] de Amisfelde, Dominus de Tallo, Dominus de Gerweſwode, Dominus de Manerſtoune, Dominus de Keldwode, Willelmus Ker de ȝair, Dominus de Damhoy, Dominus de Corsfurde, Dominus de Kirk.[2]

[*Georgius Dominus Setoun, Juſticiarius Deputatus.*]

Common Theft and Reset of Theft.

May 25.—Edward Johnstoun, ſone of John in Crukitmone, and John Reid, (dwelling) with Mathew Graham, convicted of Common Theft and Common Reſet of Theft.—Hanged.

Nomina Assise.

Rogerus Kirkpatrik de Knok, Willelmus Cunyngham de Craganis, Robertus Neilſon de Madinpap, Dominus de Bennifyde,[3] Willelmus Colvile de Ravinnifcrag, Ricardus Carlile.

Slaughter of the Laird of Greifton.

May 31.—William Dekesoune, ſon of umq^ll^ John Dekeſoun,[4] convicted of art and part of the Slaughter of George Myddilmeſt of Greiftoun,[5] committed by the ſaid William, John his father, and John his brother, upon forethought and culpable felony: *Item*, for being at the horn for the ſaid Slaughter.—Beheaded.

Assisa.

Thomas Lowis of Menner, Ninian Paterſoun of Caverhill, John Caverhill of Foulage, Gilbert Berde of Poſſo, John Elphinſtoun of Hendirſtoun, William Were of Newtoun, Thomas Wyly of Bonytoune, James Levingſtoun of Giriſwode, John Carmichell, Capt of Craufurde.[6]

[*Archibaldus Comes de Ergile, Juſticiarius, 'in hac parte.'*]

Common Theft and Treason.

Jun. 4.—Andrew Story and Thomas Gilleſpy convicted of common Theft and common Treaſon; and George Walch of common Theft.—Hanged.

[1] Laird. [2] The others are Mr James Gifferde and five tenants. [3] This is not unlikely 'Bemerſyde' (Haig), but it is very indistinctly written. Seven others (tenants) were on this Assise. [4] See Nov. 12, 1512. [5] He is called 'of Grerſtoune' in the former Trial. [6] Six others, in Peblis, &c., but of no note. These lists of Assisors have been inserted in the present Collection from the importance of preserving the names. In many instances the occurrence of an Assise of Barons has been the sole cause of selecting the case.

ASSISA.

Andrew Ker of Fernihirſt,
Andrew M'Dowell of Garthlone,
John Tuedy of Drummelzeir,
Thomas Cranſtoun,
Mark Ker of Dolphinſtoune,
Walter Scot of Linſelar,
Walter Scot of Howpaſlot,
Ralph Ker,
Robert Turnbull of Blindhauche.
John Craufurde of Drongane,
John Charteris of Amisfelde.
John Charteris, his uncle.[1]

[*Alexander Lauder de Blyth, miles, Juſticiarius deputatus.*]

Slaughter.

Jun. 28, (*die Martis.*)—MALCOLM DRUMMONDE and his accomplices, dilated of art and part of the Slaughter of Gilfillan Crechtoun.

ABSENTES AB ASSISA.

Andrew Murray of Abircarny,
John Moncreif of that Ilk,
David Chalmer of Strathy,
Andrew Currur of Logymegill,
Hector Bruce of Colpmalindy,
Robert Boyd of Petkindy,
Robert Nory of Buchquhopill,
Robert Maxtoun of Cultoquhay,
Robert Barclay of Stercovy,
John Kynnard of Inchefture,
Patrick Butter of Gormok,
Wm Edmonſtoun of Duntrethe,
Thomas Spens of Kinſpindy,
John Muncreif in Little M.,
Patrick Scot of Munze,
John Crechtoun of Blakburne,
Andrew Monorgun of that Ilk,
Neſe[2] Ramſay of Bamf,
James Roſs, ſon of the Laird of Craigy,
John Cochrane of Pitfour.[3]

Stouthreif of Pirated Goods.

Jun. 30.—ANDREW MYLAR, in Kingorn, amerciated for not entering to underly the law for art and part of Stouthreif and plundering of the goods and ſhips 'harried' and taken by Thomas Chalmer and his men, belonging to the Merchants of Crailſuond and Ruſto.[4]

[CURIA *Itineris Juſticiarie de* WIGTOUNE.[5]]

Stouthreif — 'Hereschip' — Reset, &c.

Jul. (*die Martis ij° die Itineris.*)—DUGALL and PATRICK MAKCLENNOCHQUHEN convicted of art and part of the 'Hereſchip' of four 'thraif' of corn, and four 'car-ſadillis' and 'carris' from William Makdowell, furth of Arnechene in Carrik: *Item*, of art and part of the forethought felony done to Thomas Kennydy, and Hurting him: *Item*, the ſaid *Dugall* of art and part of the Theft of a cow from Little Allan M'ge, furth of Herrenwod: *Item*, for his Reſetting, ſupplying, and intercommuning with Thomas Kalelane and James M'Alexander, Rebels, and at the horn,[6] &c. &c.—HANGED.

[1] Andrew Charteris was also on the Assise. [2] The first of this ancient family was *Neſſus* de Ramsay, who flourished 1226. This *Neſs* was served heir to his grandfather, Oct. 5, 1507.—*Doug.* Baronage, 552. In the Appendix of Extracts from the *Privy Seal* Records, he is called *Neiſche.* [3] They were, as usual, fined L.10 each. [4] Rostock, in the Duchy of Mecklenburg, and Stralsund, in Pomerania? [5] There is reason to apprehend that some mistake has occurred in rebinding the Volume in which these entries are contained; and that the date of this Aire was probably about the year 1510. No dates are mentioned by which this blunder can be thoroughly rectified. [6] Several others were Hanged for similar crimes; and many convicted in killing of '*red-fiſche*' (salmon) in close time.

Oppressing Sir David Kennedy of Leswalt, &c.

(*Die Martis iij° die Itineris.*)—Patrick Mur, in Wigtoun, and Nicholas Frefle, and Thomas Mur, dwelling with him, allowed to compound for art and part of the Convocation of the lieges, and for the forethought felony done to Sir David Kenydy of Lefwalt, kn^t^, coming upon him whilft he was preparing himfelf to hold his Court upon his heritage of Lefwalt, Monybrig, and Balquhony, in warlike manner, with invafive arms, and hindering him from holding his Court: *Item*, for art and part of the 'Herefchip' of cloaks and other goods from the fervands of the faid Sir David, at the fame time: *Item*, of the breaking of the Acts of Parliament, in riding and going furth of Burgh in Convocation, in '*routing*,' in company with the Sheriff (of Wigtoune): *Item*, for contempt done to the King, in taking one called *Lang M^c^ke* furth of the 'ftokkis,' wherein he had been placed by Symon M^c^Criftin, Sheriff depute, for Hurting a Spaniard.—Sir Alexander M^c^cullocht became furety to fatisfy the parties.

The faid Patrick alfo compounded for 'Herefchip' and Oppreffion done to Andrew Mure, in 'Herefchip' of his goods bequeathed to him by his father: *Item*, of five oxen from John Makclym: *Item*, of forethought felony done to Symon M^c^criftine, in Wigtoun, by chacing him with a drawn 'quhinzeare:' *Item*, for 'Herefchip' of a grey horfe from Alexander Boide: *Item*, of five fcore fheep and upwards from Andrew Dunbar, furth of Dorry in Mochrum: *Item*, for Common Oppreffion of the lieges: *Item*, for art and part of the 'Herefchip' and Oppreffion done to Archibald Mure, Tutor to Margaret Mure, in 'Herefchip' of ten fcore bolls of victual from him, furth of Kikrane and Killegown, price of the boll iiij f., and twenty fcore 'thrafis' of fodder, price ij d. (each.)—Sir Alexander Makcullocht became furety to fatisfy the parties.

Oppression—'Herefchip,' &c.

Patrick Agnew, Sheriff of Wigtoune, and Alexander Makmechane, dwelling with him, permitted to compound for the Oppreffion done to Thomas Makdowell and Roger M^c^rochat, in caufing them to build his dikes[1] with their 'petis,'[2] and to plough and harrow[3] his lands, in the years 1504, 1505, 1506, 1507, and 1508; and for common Oppreffion thereby done to them: *Item*, for the fame Oppreffions done to James Kennyde, Mariota Makkevin, &c.:[4] *Item*, for the Oppreffion done to the faid perfons, in plundering each of them of a 'fwyne' yearly, during the faid years.—The Laird of Lochinver became furety to fatisfy the parties.

He alfo found the fame furety to compound for the 'Herefchip' of a 'jument' (*i. e.* ox ufed for tillage) from John Makrowat, in the Foreft of Buchan: *Item*,

[1] Turf fences or divisions. [2] Peats, turfs. [3] 'Arare et harpicare.' [4] Sixteen others.

for the Oppreſſion done to Thomas Makwilliam, in taking and 'harrying' from him ten bolls of barley.

He, together with George Crukſhank and Thomas Mure, in Wigtoun, alſo compounded for art and part of the Oppreſſion done to Thomas Kennydy in Wigtoun, in 'Hereſchip' from him of a young riding horſe; and for ſtriking the ſaid Thomas Kennedy.

Oppressing the Lairds of Ardwell and Leswalt, &c.

NEVIN AGNEW allowed to compound for art and part of the forethought felony and Oppreſſion done to Archibald M'cullocht of Ardwell and William Adair of Kingate, coming upon them in warlike manner, wiſhing to ſlay them, at their own Places: *Item*, for the Stouthreif of a horſe from John M'Neſche: *Item*, for the Stouthreif of an ox from Gilbert Adair, furth of Athquak: *Item*, for the Stouthreif of an ox from Jonkin[1] M'cullocht, furth of Auchquork: *Item*, for the Oppreſſion done to Sir David Kennedy of Leſwalt, in caſting his hay out of his barn in Calȝocht: *Item*, for the breaking of the King's Protection upon him:[2] *Item*, for the Stouthreif of certain 'tymmer'[3] of two houſes, with the windows and doors thereof: *Item*, for the Stouthreif of an ox from Thomas Bell: *Item*, for Common Oppreſſion of the lieges; and ſpecially, of the Tenants of Leſwalt.—The Sheriff (Patrick Agnew) became ſurety to ſatisfy the parties.

Stouthreif — Oppression — 'Hereschip.'

PATRICK MURE and Nicholas Freſale[4] permitted to compound for Stouthreif and Oppreſſion done to James Portar of Lag, and Archibald Mure, in the 'Hereſchip' of ten ſcore bolls of wheat,[5] price of each boll iiij ſ.: *Item*, the ſaid *Patrick*, for Oppreſſion done to William M'clellane Laird of Bomby, by occupying, and labouring and manuring the Crofts of the ſaid William, near Wigtoune, for two years paſt; and for the 'ſpuilȝieing' of iij l. of annual rent of certain lands pertaining to him, for the ſaid ſpace: *Item*, of the 'ſpuilȝieing' of the farms and profits of the ſaid lands from the ſaid William for the foreſaid ſpace, extending yearly to xx bolls of bear:[6] *Item*, for the Oppreſſion done to Andrew Dunbar, in occupying of his ſet of Denry, in the barony of Myrtoun.—Sir Alexander M'culloch became ſurety to ſatisfy the parties.

Oppression — Hamesuckin — Stouthreif, &c.

THOMAS MURE, 'talȝour,' in Wigtoune, allowed to compound for the

[1] A familiar nickname, on the Borders, for John, as *Jock* is now. *Wilkin* was, in like manner, often used for William; *Dand*, or *Dande*, for Andrew; *Hob*, for Robert; *Hab* or *Habbie* for Halbert, &c. [2] Viz. granted to Sir David. [3] Timber; wood-work. [4] Fraser. He and his brother Thomas, 'in Wigtoune,' compounded for the stouthreif of a *jument*, or ox used for tillage, furth of the barn of Skellore. [5] 'Frumenti,' which was uniformly used to denote the grain from which the finest loaves were made. [6] Barley.

forethought felony done to Duncan Makke, drawing his ſword, and wiſhing to ſlay him: *Item*, for the Oppreſſion and '*Hamſukkin*' done to Chriſtiane Gibſoune, ſtriking her and breaking up her doors: *Item*, for forethought felony and Oppreſſion done to a Merchant of St Andrews, drawing his ſword, coming upon him, and putting him to flight: *Item*, for the theftuous breaking up and opening the cellar of Rankin Mur, and taking therefrom victual and other goods: *Item*, for the Stouthreif of a cow from M^c^keyn, furth of Kerowoltok: *Item*, for common Oppreſſion of the lieges, common 'Brigancie,'[1] and in taking and 'reiving' from them malt, corn, and other goods.—Sir Alexander M^c^culloch became ſurety to ſatisfy the parties.

Preventing a Court from being held, &c.

Patrick Agnew, Sheriff of Wigtoune, Nevin Agnew, John Adair, Alexander M^c^mychin, George Crukſchank, Thomas Portar, and Patrick Agnew, ſervant of the ſaid Sheriff, convicted of art and part of Convocation of the lieges with warlike arms, 'jakkis and ſplentis,' contrary to the Acts of Parliament, and of the Oppreſſion done to Sir David Kennydy, kn^t^, coming to Leſwalt, and hindering him from holding his Court.—Each of them fined x merks, and the Sheriff became ſurety for himſelf and the others.

Oppression — House-breaking — Stouthreif.

Patrick Mure, in Wigtoune, permitted to compound for art and part of the Oppreſſion done to Betoun M^c^kewin, ſpouſe of Gilbert M^c^ke, in caſting her goods furth of her 'mailing:'[2] *Item*, for the Oppreſſion done to Mr Richard Akinhede, Vicar of Wigtoune, breaking up the doors of his chamber, and keeping him furth thereof: *Item*, for common Oppreſſion of the lieges.—Alexander M^c^culloch of Mertoun became ſurety to ſatisfy the parties.

Thomas Mure, his ſervant, Nicholas and Thomas Freſale, in Wigtoun, compounded for the above crime, and for caſting the ſaid Mr Richard's ſervant and his goods, over his ſtair: *Item*, the ſaid Thomas and Nicholas for ſtealing a grey horſe.

Stouthreif — Oppression — 'Brigancie.'

Thomas Freſale allowed to compound for the forethought felony done to (John) M^c^ke, merchant in Wigtoune, and Hurting him: *Item*, of the Stouthreif of his 'quhinzeare,' at the ſame time: *Item*, of common Oppreſſion of the lieges, by way of common 'Brigancie.'—Sir Alexander M^c^culloch of Myrtoune became ſurety to ſatisfy the parties.

[1] Fr. *Briganderie*, equivalent to what we term Highway Robbery, &c.

[2] 'Aſſedationem.'

Slaughter — Stouthreif — Mutilation.

PATRICK AGNEW, George and George Crukſhank produced a Remiſſion for art and part of the Slaughter of Patrick M^c^ke, and Thomas M^c^ke : *Item*, for the Stouthreif of ſeven cows from John M^c^ke of Myrtoune : *Item*, for the forethought felony done to the ſaid John and his men, and for wounding him.—The Sheriff became ſurety.

They, along with Alexander Makmechane, produced another Remiſſion for the Mutilation of umq^le^ John Makke of Myrtoune of his thumb : *Item*, for the Slaughter of umq^le^ Patrick and Thomas Makke : *Item*, for the Stouthreif of 7 cows, with their calves, from the ſaid John.—The Sheriff of Wigtoune ſurety.

Cattle-stealing.

PATRICK AGNEW, Sheriff of Wigtoun,[1] compounded for art and part of the Stouthreif of four cows from Thomas Cunyngham, in Carrik.—The Laird of Orchertoune became ſurety to ſatisfy the parties.

Stouthreif by an Adulterer.

JOHN MAKTER, formerly in Carrik, now in Pennygham, convicted of the Stouthreif of the goods of Patrick M^c^Culȝean the time he lay (in Adultery) with Chriſtian M^c^cord his wife.—BANISHED furth of the ſhire of Wigtoune, and to depart within eight days.

Stouthreif and Barking of Wood.

JOHN MAKLUMPHARE, in Kirkmerin, dwelling with the Abbot of Saulefet, convicted of Stouthreif of the Wood of Garthlone, and of the barking thereof.[2]—Others were amerciated iij l. each for the ſame crime, committed in the woods of Barrinrauer, Glenſiche, and Croſchre.

Intercommuning with Rebels.

JOHN MAKCOSHEN, in Innermeſſane, convicted of Intercommuning with Thomas M^c^clellane and Neill Nelefoun, Rebels, and at the horn. Fined xx merks.—The Laird of Garthlone became ſurety to the King.

Slaughter.

THOMAS PORTAR, convicted of art and part of the cruel Slaughter of John Makmyane.—BEHEADED.

[1] The conduct of the Sheriff of Wigtoun, as exhibited in this and the preceding cases, affords a melancholy picture of the state of society at that period. The hereditary Judge, and highest legal functionary in the district, appears to have vied with the most desperate of the Border thieves in the commission of all sorts of crimes; expecting, doubtless, that his high office and influence would sufficiently protect him from merited punishment for his odious oppressions. [2] 'Remittitur quia pauper.'

Oppression — Stouthreif — Convocation.

(*Die Jovis, iv die Itineris.*)—Gilcrist Makkinze, in Killas, permitted to compound for art and part of the forethought felony and 'Hamefukkin,' done to one M'carbere, dochter, ſpouſe of Andrew M'ylbride, and ſtriking her: *Item*, for the Stouthreif of vj cows and oxen furth of Kirkm'brek, from the Tenants of the Laird of Ardwell: *Item*, for the Oppreſſion done to Duncan M'cullane in holding goods and his wife from his ſociety and company: *Item*, for forethought felony done to Andrew M'cullocht of Ardwell, and ſearching for him for his ſlaughter: *Item*, for Convocation of the lieges in great numbers, contrary to the Acts of Parliament, and for the forethought felony and Oppreſſion done to Sir David Kennydy kn^t^. drawing his ſword and wiſhing to ſlay him: *Item*, of common Oppreſſion of the lieges, by common 'brigancie' and otherwiſe.—The Laird of Killuſſer[1] became ſurety to ſatisfy the parties.

Oppressing the Burgh of Wigtoun — Hamesuckin.

Dominick M'clellane and Symon Makcriſtin, allowed to compound for art and part of Convocation of the lieges, and going forth of Burgh in convocation[2] to the Place of Myrtoun: *Item*, for the Stouthreif of certain oxen, horſes, and ſheep, from John M'ke of Myrtoun, at that time: *Item*, for the Stouthreif of bear[3] and oats from the ſaid John, furth of his barn, and deſtroying the door of the ſaid barn.

The ſaid *Symon* was alſo permitted to compound for art and part of the forethought felony, Oppreſſion, and 'Hamefukkin' done to John Kells, coming upon him, wiſhing to ſlay him: *Item*, for the Oppreſſion done to M'calvin-dochter, wife of . . . . Acarſane, and cruelly ſtriking and beating her: *Item*, for common Oppreſſion done to the neighbours[4] of Wigtoun, arreſting and troubling them at the Courts, becauſe they would not be his men: *Item*, for breaking of the Acts of Parliament, becauſe he is the Laird of Bomby's man.[5]

The ſaid *Dominick* allowed to compound for Stouthreif of two oxen from Thomas Makke, furth of Torhous; and for the forethought felony and Oppreſſion done to him and his brother, at the ſaid time, wiſhing to ſlay them.

They were both likewiſe permitted to compound for Oppreſſion done to the Community of Wigtoune, in taking the beſt merchandise coming in ſhips to the ſaid Burgh, and keeping thereof in their cellars: *Item*, for Oppreſſion done to the ſaid neighbours, in gathering the profits of the Town and 'burrolandis,' and common liberty of the ſaid Burgh and community.

[1] M'Culloch of Killaissor? [2] In another part of the Record there is added this translation, '*le routting.*' [3] Barley. [4] '*Vicinus*,' usually translated 'nichtbouris,' *i. e.* inhabitants, townsmen. [5] 'Ex eo quod eſt vir Domini de Bomby.'

Stouthreif — Oppression — 'Brigancie.'

Duncan M'ke, in Wigtoune, permitted to compound for art and part of the forethought felony done to John Murhede, in Wigtoune, and putting him to flight (for his Slaughter): *Item*, of the Stouthreif of a 'brew caldrone' from John M'ke, in Librek, furth of his houſe; and for forethought felony done to him ſundry times, wiſhing to ſlay him; and for the breaking of the King's (Letters of) Protection: *Item*, for the forethought felony done to Symon M'criſtin, in Wigtoun, coming upon him for his ſlaughter: *Item*, for common Oppreſſion of the lieges, and ſpecially of the Tenants of Librek, by way of common 'Brigancie:' *Item*, for art and part of the Oppreſſion done to John M'ke, in Librek, in caſting down the 'dike' of his bear-croft.[1]—The Laird of Lochinver became ſurety to ſatisfy the parties.

Demembration — Breaking Lawburrows.

Thomas Makdowell, ſon of Rolland in Quhitherne, Etht Robiſoun, and Robert Aſchennay there, allowed to compound for art and part of the forethought felony and Oppreſſion done to Johnne Makke, in Librek, coming upon him in the town of Quhitherne, and cruelly wounding him: *Item*, for the Mutilation of the ſaid John, and demembering him of an eye: *Item*, of breaking the Lawburrows formerly found between the ſaid parties.—And the ſaid *Robert*, for art and part of the Oppreſſion done to John Makke, in Librek, in occupying and manuring two merklands of his ſet in Libreck, extending yearly to lxxx bolls of meal and xx bolls of bear, in profits: *Item*, for breaking the King's Protection.

Stouthreif from the Bishop of Galloway, &c.

Patrick Waus, of Irſalk, and William Grahame, living with him, were allowed to compound for the Stouthreif of ſix ſilver 'taſſes' or drinking cups[2] from the lord Biſhop of Galloway,[3] near Wigtoune: *Item*, for the Stouthreif of certain oxen and cows from the executors of umq^le^ Mr Alexander Wauſe: *Item*, for the Oppreſſion done to the Biſhop of Galloway, in 'hochin'[4] his oxen: *Item*, the ſaid *Patrick*, for art and part of the Oppreſſion done to John M'gilwyan, in Quhitherne, in the detention of his croft,[5] called Our Lady croft, for the ſpace of xij years, after he had bought the ſame from M'calphin-dochter; the annual loſs thereby ariſing extending to five merks.—*Item*, the ſaid *Patrick*, for art

[1] Barley-field. [2] 'Taſſarum argenti.' [3] 'Candidecaſe.' This perſon was David Arnot, ſon of John Arnot of that Ilk, by Katharine Melvil, daughter of the Laird of Carnbee, in Fife. He was ſucceſſively Archdean of Lothian, Provoſt of Bothwell, and Abbot of Cambuskenneth; from which Abbacy he was tranſlated to the See of Galloway, in 1509, on the advancement of *James Bethune* to the Archbiſhopric of Glaſgow. In a few years afterwards he got the Abbacy of Tungland *in commendam*. His ſtile was 'David Candidæ Casæ Regiſque Capellæ Striuilingen. Epiſcopus.' [4] Houghing, hamſtringing. [5] A piece of cultivated land adjoining to the dwellinghouſe.

and part of Convocation of the lieges: *Item*, for the forethought felony and Oppreſſion done to Sir David Kennedy, kn[t], coming upon him at his lands of Leſwalt, at the time of his holding his Court, and hindering him from holding the ſame: *Item*, for the Stouthreif of certain cloaks and other goods from the ſervants of the ſaid Laird, at the ſame time.—The Laird of Torhous became ſurety, along with the ſaid Patrick.

Burning of the Place of Dunskey.

Duncan M[c]ke produced a Reſpite for his being art and part of Burning the Place of Dunſkey.[1]—The Laird of Lochinver became ſurety.

Oppression—Preventing a Court from being held.

Ninian Edgar, young Laird of Creaken; Thomas Waus, brother of the Prior[2]; George M[c]cullocht, young Laird of Durchdery; Patrick Murray, young Laird of Brochtoun; the Laird of Killaſter-M[c]cullocht; Wchtred M[c]dowell of Mondork, and twenty others, deſcribed as living with[3] the Sheriff and the Abbot of Saulſet, &c., came in the King's Will, for art and part of Convocation of the lieges, and of art and part of the forethought Oppreſſion done to Sir David Kennedy, and hindering him from holding his Court at Leſwalt—The Sheriff of Wigtoun, Duncan Makke, in Wigtoun, and Nevin Wigtoun, became ſureties for the young Laird of Creaken; Alexander Gordoun of Auchrow for the Lairds of Ardwell and Corſwell; and the Laird of Garthlone for the Laird of Mondork and Thomas Acoltane, &c.

Riding furth of Burgh 'in routing.'

Alexander Ahannay, brother of the Laird of Sorby and burgess of Wigtoun, came in will for art and part of the above Convocation, &c.: *Item*, for riding furth of burgh in warlike manner in 'routing,' and for thereby breaking the Acts of Parliament.—Thomas A., in Capirnache, Fergus M[c]dowell, young Laird of Derregill, and ſeven others, alſo came in will for the ſame crime.

The Lairds of Mochrum and Bordland fined.

John Dunbar, of Mochrum, and Patrick Hammyltoun, of Bordland, amerciated xl l. each, for not appearing to underly the law for all crimes to be imputed to them.

Slaughter.

Patrick M[c]clelane, of Gileſtoune, and Andrew and John M[c]clelane,

[1] See the Appendix to this reign, for various illustrations of this treasonable crime. [2] Of Whithern, George Vause? [3] Followers, servants, and retainers.

&c., denounced Rebels, and their cautioners amerciated 100l. for each, for their not entering to underly the law for the Slaughter of Robert Mur.

Stouthreif — Cattle and Horse-stealing, &c.

JOHN MAKKE, of Myrton, allowed to compound for art and part of the Stouthreif of xij oxen from Adam M'Nele, furth of Librek: *Item*, for the Stouthreif of a horſe from William Kennydy: *Item*, for the Stouthreif of certain goods of Donald M'gillis: *Item*, for common Oppreſſion of the lieges dwelling in Pennigham. He alſo produced a Reſpite for art and part of the Burning of the Place of Drumſkey.—Sir Gawin Kennydy became ſurety to ſatisfy the parties.

Oppression — Stouthreif, &c.

ANDREW DUNBAR allowed to compound for art and part of the common Oppreſſion done to Walter M'cullocht, in his farms, in the year 1505; taking three cows from the ſaid Walter's mother, to remove from his farm of Corſidochquhan, and for not removing therefrom, but hindering her ſervants from labouring her farms: *Item*, for the Oppreſſion done to the ſaid Walter, in occupying the houſes of the ſaid farm for the ſpace of four years laſt paſt, and deſtroying her crops (and ſtock), viz. to the value of ſix ſcore bolls of bear and oats, fifteen ſcore of ſheep, and forty cows and 'queys:' *Item*, for Oppreſſion done to the ſaid Walter, in taking his horſes and riding them to Kirk and market where he pleaſed, and killing one of them: *Item*, for the Stouthreif of the 'tymmer' of two of his houſes, within the ſaid Walter's lands of Corſdochquhan: *Item*, for forethought felony done to the ſaid Walter and his 'hird,'[1] called Patrick M'crache, coming upon the ſaid Patrick on the road towards the Kirk, chaſing him, and breaking the King's Protection granted to the ſaid Walter: *Item*, for the forethought felony done to the 'plewmen'[2] of the ſaid Walter, coming upon them in warlike manner with a 'lance-ſtaf,' and putting them to flight; and for hindering them from ploughing the ſaid land: *Item*, for the Oppreſſion done to John M'gilhoſche,[3] coming upon him, and chaſing him: *Item*, for common Oppreſſion of the lieges, by ſeizing their 'beſtial'[4] and otherwiſe.—John Dunbar of Mochrum became ſurety to ſatisfy the parties.

Oppressing the Sacrist and Subdean of the Chapel Royal.

PATRIK MURHEDE came in will for the Oppreſſion done to the Sacriſt and Subdean of the Chapel Royal, in the 'ſpuilzie' of the Teind ſheaves of Stow.[5]

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[1] Herd; shepherd. [2] Ploughmen. [3] Now called Mucklehose, or Maclehose. [4] 'Animalia.'
[5] 'SUMMA hujus Extractus, ix^c.lxxix li.' (L.979.)

APPENDIX,

ILLUSTRATIVE OF THE TRIALS WHICH OCCURRED DURING THE REIGN OF KING JAMES IV.

I. Illustrations selected from the Register of the Privy Seal of Scotland.

The historical value of the Public Records of Scotland has long been universally admitted; but comparatively few are qualified, and still fewer are inclined, to undergo the extreme drudgery of wading through a mass of ancient MS. volumes in quest of original and authentic information. The task which the Editor had imposed upon himself seemed to demand of him greater exertions than could reasonably be expected of any author whose opportunities were less limited. In this view, and to redeem his pledge, he has carefully examined the entire Records of the Privy Seal, and the Accounts of the Lord High Treasurer, so far as they embrace the period of these early reigns; and without enlarging on the obvious value of the new materials thus collected, he now begs to lay before the reader the result of an anxious and careful scrutiny. In accomplishing this desirable object, the limits of this work have necessarily been considerably encroached on, but it is hoped no one will deem the labour mispent, or the additional space thus occupied misemployed. The Editor only grudges that he could avail himself, in this work, of so small a portion of the information which these invaluable Registers afford.

The reader is once more referred to Mr Tytler's truly valuable Historical work, in illustration of such passages as do not occur in the ordinary Histories of Scotland.

Jul. 2, 1488.—Refpite to Patrik of Dunbar, fone and apperand are to Patrik Dunbar of Kinquhunquhare, Ferguse M^c^dowell, Johnne M., and Johnne Smythe, for art and parte of þe Slaucht^er^ of vmquhile Patrik Mackowloche (M^c^Culloche): For ix ȝeris to cume to indure.

Oct. 19.—Precept of Remiffioune[1] to Huchoune Wallace of Smethiftoune for arte and parte of þe Reft of certane gudis out of þe Barony of Erliftoune, apoune Walter and Mychel Makmyllane, &c., vnto þe day of oure fouerane lordis Proclamatioune, maid at Lanark; þat is to fay, þe xxix day of Auguft, precedand þe date þairof.

[1] It is to be understood that all the Remissions in the *Privy Seal* Record which are quoted in these extracts, were merely Precepts. The Remission was, in one sense, incomplete, until it had passed the Seals.

Oct. 19.—Remiſſioune to HUCHOUNE WALLACE, broper to Johne Wallace of Cragy, 'in eadem forma et de eadem data.'

Jan. 28, 1488-9.—WILLIAM MENTETH OF THE KERSE, Archibald of Menteth, his broper, Alexr M. 'for thaim, thair kyn, and frendis on the ta parte, and ROBERT BROISSE OF ARTHE, Alexander, Lucas, and Robert Broiſſe, for thaim and brether, kyne, and frendis one the tother parte,' bound themſelves to abide by the Sentence of the Lordis of Council, 'tuiching þe making of amendis for þe **Slauchter of umquhile Johne, the Broiſe of Arthe,** and tuiching þe making of amité, luf, and tendirnes to be haid betuix the pairties, in tyme to come.'[1]

Jan. 27, 1491.—Remiſſion to JOHNE TEMPILTOUNE for þe **thiftwiſe owtputtin** and away-takin of þe **gudis** of vmquhile George Campbele of Lowdoune, **the Scheref of Are,** þe tyme he was Stewart to the ſaid Scheref; and ſpecialy, þe tyme þat þe ſaid Scheref was feyk, and for all crime, actioune, and accuſatioun þat may be imput, &c. (*Apud Are.*)

Dec. 7, 1492.—Remiſſion to WILLIAM CUMMYNG,[2] for art and part of the counſel and aſſiſtance afforded by him to ALEXANDER LORD GORDOUNE, in preparing **the Field of Dunkeld** againſt THE KING; and for all other crimes preceding this date, 'proditoria Tradicione in perſonam REGIS, Murthuro, Raptu mulierum, communi furto, et actione regia contra eundem Willielmum proponenda, penes quandam boxam,[3] aurum, argentum et jocalia in eadem contenta, et alia jocalia, exceptis.'[4] (*Apud Abirdene.*)

Nov. 9, 1493.—Remiſſion to WILȜAME GORDOUNE, ſone to George Erle of Huntle, for the **Slauchter** of umquhile Robert Stewart, &c.

Jan. 23, 1493-4.—Remiſſion to 'EDUARD TAYT, for the thiftwiſe **breking of the Kirk of Vendirland,** and takin away of certane gudis, gold and ſilver, fra Sir Wilȝeame Jurdane, &c.'

Feb. 15.—Remiſſion to JOHNE HERREIS, in Bercley, for þe **Rele of certane halkis**[5] owt of DUNDRANANE; and binding þe men kepand þaim, &c. (*Apud Kirkcudbrycht.*)

Apr. 27, 1494.—Remiſſion maid to ALEXANDER LORD GORDOUN for þe **Birnyng** of þe Place of **Ardendracht, in Buchane;** and for all actioune and cryme may be imput to him tharfor, &c. befor þe xij day of December, 1492, Murthure and Reviſching of women exceptit. (*Apud Aberdene.*)

Jul. 6.—Remiſſion to JOHNE FORSTER OF NUDRE, Henry his bruper, and Johne Lethame, for art and part of þe **Slauchter** of Will of Dundas and Duncan Dundas; and for all vþer actionis to þe date hereof.

Dec. 28.—Remiſſion to JAMES WARDLAW OF RICARDTOUN, and John his brother, for art and part of the **Slaughter** of William and Duncan Dundas, committed upon the cauſeway of **the High street of Edinburgh,** in THE KING'S preſence. (*Apud Edinburgh.*)

Mar. 5, 1494-5.—Remiſſion to ROBERT SCOT OF DALORIAN, and Dauid Lawder, for thare treſſonable **Intercommuning** with diuerſe perſonis, THE KINGIS **Rebellis;** and for aſſiſtance and **Resetting** of thaim, &c., previous to Nov. 7, 1493.

Apr. 6, 1495.—Remiſſion to CUTHBERT GORDOUNE, for þe **Forthocht felony** done be him

[1] This Notice has been obtained from the *Acta Dominorum Concilii*, a work printing under the Scottish Record Commission. It abounds with interesting materials. [2] From other entries in the Register, the Editor believes that this person was Sir William Cummyng of Innerellochy (knight), '*alias* MERCHEMOND HERALD.' On Sept. 18, 1507, he and Christian Prestoune, his wife, got a Charter to the lands of Easter Cullessy, in the shire of Fife. [3] This unquestionably refers to the box containing KING JAMES III's money and jewels, as to which so much enquiry was afterwards made. [4] Thomas Lowsone got a Precept in the same terms as the above. [5] This offence was always punished with severity. All the Princes of the STUART Family were passionately fond of the sports of the field; and from numerous entries in the Treasurer's Accounts, it appears that Hawks of fine breeds bore a very high price, which were deemed of sufficient value to be presented to Kings and Princes.

apone Duncane Makadam, in ye burghe of Are, ye tyme of ye Ayre yairof, &c., vnto ye xvj day of November, 1493. (*Apud Kirkcudbrycht.*)

Feb. 9, 1496-7.—Remiſſion to ARCHIBALD and JOHNE OGILVY, ſonnis to James Lord Ogilvy of Erlé, for art and part of the **Slaughter** of vmq^le James Lindiſſay, ſone to Dauid L., &c.

Jun. 10, 1497.—Reſpite to DAUID HUME OF WEDDERBURNE, and diuerſe vperis perſonis, to the nowmer of I^c (100) names, for the maſterfull diſtructioune, **Birnyng**, and caſting downe of **the Place of Thurestoune**, pertenyng to Williame Wallace of Cragy: AND for the **Reif** and **Stouthe** of the gudis and inſicht being in the ſammyn, for ye tyme; and for al maner of crime yat may be imputt to ye ſaid perſonis, in yat mater alanerly. (*Per ſubſcriptionem Regis.*)

Aug. 7.—Remiſſion to DAUID CARMYCHELL and Johne Inglis, for arte and parte of ye cruel **Slaughter** of vmquhile James Lindeſay: AND for yair treſſonable paſſing in Ingland, and **commonyn with Inglisemen**, and being at ye KINGIS horne, &c. (*Apud Norehame.*)

Nov. 17.—Reſpite to PATRIK M^cKOWLOCHE (MacCulloch), for art and part of ye **Murther** and **Slaughter** of vmq^le Archibald M. of Arduale, committed 'vnder ſilence of nycht,' &c.

Jan. 26, 1497-8.—Remiſſion to HUGH ROSE OF KILRAWOK, and eleven others, for art and part of the cruel **Slaughter** of Alexander and John Noble, a Chaplain called Schir Maurice, and William Gawane, committed within the Kirk-yard of the Cathedral Church of Roſs. (*Apud Inuernys.*)

Mar. 31, 1498.—Remiſſion to JOHNE NELESOUNE, and vther thre perſonis, duelland in Culroſſ-ſchire, within ye ſcherefdome of Perthe, for the **Forthocht fellony** done be thaim, in cumpany with Robert Stewart, apone Sir Andro Maſoune, ABBOT OF CULROSSE, and his complices, at Blarehall: AND for forthocht fellony done be the ſaid Johne Neleſoune apone Robert Rede, at the Abbay of Culroſe. '*Deliberat. per Dominum,*[1] *Patricio Blacater militi.*'

May 9.—Remiſſioune to WALTER BUCHANAN OF YAT ILK, Patrik his bruher, and Johnne Blare, for yair inobediens and contempcioune done to ye KINGIS henes, in ye **remanyn** diuerſe tymes **fra his Hostis** aganis his ennemyis of **Ingland**, &c.

Jun. 12.—Remiſſioune to THOMAS GALBRAITHE of Balkindroche, James his bruher, and Andro Wawane, for art and part of ye **Slaughter** of Johnne Myllare.

Jul. 11.—Remiſſion to RICHART WERE, and viij perſonis with him, for art and part of the **Slaughter** of vmq^le Nicholl Were, duelland in Hallhill; committit apoune forthocht fellony.

Nov. 11.—Remiſſioune to CUTHBERT BLARE, and vper viij perſonis, for ye **Forthocht felony** done be yame apone Alexander Pidcon (Punton?) of yat Ilk,[2] and William his ſone, &c. (*Per ſubcriptionem Regis.*)

Dec. 10.—Remiſſion to WIL OF DOUGLAS OF CAVERIS, and Wil and Archibald Dowglas, for there treſſonable **Intercommonyn with ye Rebellis of Lebin**, &c.

Jan. 20, 1498-9.—A Lettre of Remitt and forgevinneſs to JOHNNE OF DUMBAR, ſone and apperand are to Johnne of Dumbar of Mochrum, and to his ſeruitouris, Wilȝam Flemyn, and James Makcowloche, and Johnne Core, quhilk war with ELIZABETH KENNEDY yat tyme ſcho **tuik away certane money**, extending to ye ſowme of xliij li. gold and ſiluer, a ſiluer ſele, and vper ſmall gere, had be hir in keping of a R(everend) fader in God, G(eorge Vaus) **Biſchop of Galloway**, &c.

Feb. 14.—Remiſſion to LITLE JOHNE RORYSOUN, with ye Larde of Snayde, for ye **Forthocht felony** done be him apone Donald Fergusſoun of Yle, &c. (*Apud Dumfreſe.*)

[1] Viz. George Schaw, Abbot of Paisley, Lord High Treasurer. [2] There was a family in Ayrshire of the name of *Pidcon*; but from subsequent entries, it would appear this individual was Punton or Pouteun of that Ilk.

Feb. 18.—Remiſſion to ALEXANDER JARDING, grandſon ('nepoti') and heir of John J. of Apilgerthe, William, his brother, Nicholas, ſone of Humphrey J. of Bawgray, Edward J. and Nicholas, his ſon, &c. for **Forethought felony** done to the ſervant of Alexander Kirkpatrik and THE INHABITANTS OF DRYFEHOLME, &c. (*Apud Drumfreiſe.*)

Remiſſion to JOHNE HUTOUNE, in þe Syde, Gawine and Johne Dryfeſdale, and four others, 'for þare being aganis þE KINGIS hienes in þe **Battell and Feyld** committit **besyde Striuelin**, one *Sanct Barnabeis day;* and for all crimes and actionis þat may be imput to þaim þairthrow, &c. vnto þe xxvj day of Januare, 1488-(9) ȝeris alanerly. (*Apud Drumfreſe.*) 'Spectan. Domino de Cokpule.'

Feb. 25.—Remiſſion to THOM HUCHONSONE and Johne Carynis, in þe Copwod, for arte and parte of þe **Byrnyng of Lochferguse**, belangand to þe Larde of Bondby (Bomby,) &c. (*Apud Drumfreſe.*)

Mar. 2.—Remiſſion to WILȝAME ADARE OF KILHELT, and Thomas Adare, for the **Forthocht felony** done apon Andro M^c^dowell of Elrig.

Mar. 4.—Remiſſion to SIR ALEXANDER M^c^CULLOCHE OF MERTOUNE, kn^t^, and xxvj others, for art and part of the **Burning and 'Vereschip' of Dunskey and Ardwell**, in company with the Laird of Garthlane (Garthland.) (*Apud Wigtoune.*)

Remiſſioune to (SIR) ALEXANDER M^c^CULLOCH OF MERTOUNE, and xxix vþeris perſonis, for arte and parte of the **Birnyng and Reſing of Dunskey and Ardwell**, in cumpany with þe Larde of Garthlane, and all vþer actionis done be þame vnto þe date hereof.[1]

Mar. 13.—Remiſſioune to CUTHBERT LORD KILMAWRIS, and xx^ti^ vþer perſonis, for arte and parte of þe **Forthocht felony** done be þame apoune Gilbert Dunlop of Haupland: AND þe violent **hurting** of Downald Robiſoune, cummand fra þE KINGIS Hoiſt:[2] AND for al vþer actionis, &c. done and committit þe tyme þai tuke þE TOLBUYTHE OF IRWIN; and al actioune and cummyng þairapoune, þat day except.

Apr. 5, 1499.—Remiſſion to WILȝAME TRUMBULL of Mynto, and to Archibald T., ſone to vmq^le^ Johne T., for the **Slauchter** of vmq^le^ Johne of Rutherfurd: AND for þair treſſonable paſſing and **Remayning in Inglande**, &c. to þe day of þe makin hereof. (*Apud Striuelin.*)

Aug. 18.—Remiſſion to ANDRO BLACATAR OF THAT ILK, and Niniane Neſbit, for the **Forthocht Felony** done be thaim apone PHILP NESBIT OF WESTER NESBIT, and Johne his bruþer, Patrik Neſbit in Mongois Wall, &c.: AND for þe cruell **Slauchter** of vmq^le^ þe ſaid Johne Neſbit, and Philip Neſbit in Mongois Wall, apone forthocht felony committit: AND for þe **Spulȝeing** of þair gudis, &c.: AND of all crimes þat in onywiſe may be imput to thaim for the committing of the ſaid Slauchter and forthocht felony, **in the Kingis Palace**, and reſidence, quhare his hienes was perſonalie preſent: AND of þe Gift to þe ſaid Andro and Niniane and þair airis of the eſchete of all gudis, movable and vnmovable, landis, &c. pertaining to the KINGIS hienes, be the occaſion of the ſaid Slauchter, &c.

Nov. 6.—Remiſſion to WILLIAM BLAKHALL OF THAT ILK, for the **Slauchter** of Patrick Talȝour *alias* Richartſoun, dwelling in Inuerowry, &c. (*Apud Spynie.*)

Feb. 3, 1499-1500.—Remiſſione to WILLIAME HAKKET OF PETFURANE, Thome Hakket his ſonne, and Thome Lathangy, for art and part of the **Slauchter** of Robert Carnys.

Feb. 20.—Remiſſion for PATRIK M'GREGARE, remittand him the **Slauchter** of vmq^le^ Gillaſpey M'Neluſe, &c.

[1] This seems to be the same with the preceding, but is entered in Scottish, &c.

[2] Host, army; probably in returning from the 'Feyld committit besyde Striuelin.'

Feb. 27.—A Reſpit to Jhone M'Brar of Lochbo and al his complices, for þe **Werschyp of Ewyn Alansoun**: For a ȝere; exceptand Treſone. (*Per Subſcriptionem* Regis.)

A Reſpite to Lachlane M'Lane of Doward, Johne M'Clane of Coil, Donald M'Clane eym[1] to þe ſaide Lauchlane, and þair complices, 'in ſimili modo quo antedicta.' (*Per Subſcriptionem* Regis.)

Jun. 9, 1500.—Remiſſion to Gilleise Makpaule (M'Phaill) and Patrik Makbane for art and part of the **Slauchtir, Birnyng, Rabyng, and Oppressioun** vponne the Kyngis lieges, in Lochabir.

Aug. 17.—A Letter of Gift to Adam Barde, *Lockmanne*,[2] of þe Gift of twa merkis worthe of land, liand nixt Drongane, within þe ſcherefdome of Are, for al þe dais of his life; for his **Seruice of Lokmanschip** to (be) done as vse and cuſtum is, in tymes bigone, withe all proffittis pertenyng þairto.

Oct. 16.—A reſpite to David Lindissay for his treſsonable being with **Alexander** vmq^le **Duke of Albany** &c. and for al vþer actionis committit be him vnto þe day of þe Kingis Coronatioune: And for þe **Forthocht Fellony** and **Vamesukkin** done apon Andro Carmichell, Alex^r. Dikiſoun, and Schir Johne Carmichell, Chapellan, done after þe tyme of þe ſaid Coronatioun, &c.: '*Duratur. pro xix annis.*'

Jan. 14, 1500-1.—Protectioune for Schir Baldred Blacater his landis and gudis, 'in communi forma; pro toto tempore vite ſue duratur. &c.'

A Letter maid to þe Lord Drummond and Schir Williame Murray of Tulebardin, knicht, þare kyn, men, frendis, and ſeruandis, for hertlynes to be had amangis þaim in (tyme) to cum, Renuncand and forgevand to þe ſaid kin and frendis of baithe þe ſaid parties, al actions and crimes of þe **Birnyngis of þe Kirk of Monewarde**, and **Slauchter** of þe Kingis liegis at þ^t tyme,[3] **Reviſ, Resettis**, and **Intercommuning** with þe perſonis beand at þe Kingis horne for þe ſaid crimes, and al vþer maner of actionis concerning þat mater, or þat may be imput to þaim: Chargeand þe Justice and Juſtice Clerkis conſider þe perſonis being in þe Rollis, inditit for þe actiones abone expremit belangis, and baithe the ſaidis partiis, and inditit þairfore, þat þai diſtroy and adnul þe ſamyn; and in tyme to cum, to tak nane of þe ſaidis perſonis in dittay, nor accuſe, in judgement nor vtwithe, in ony wiſe; diſchargeing þe ſaidis officiaris of þare officis in þat parte, concerning þe ſaid actionis.

Jan. 23.—Remiſſioun to Wilȝame Schort for þe **thiftwise distruction** of þe gudis of Patrik Boyis, **the tyme he lay with his wiffe.**[4]

Jan. 25.—Remiſſioun to Robert Mure, ſone to Adam Mure of Caldwell, knicht, for þe **Slauchter** of vmq^le Patrik Boure: And for þe **Forthocht fellony** done apone the Lard of Raſſtoune.[5]

Feb. 20.—A Reſpite and Licence to Andro Maluill **to pas in pilgrimage to Sanct James in Galicia**, &c.: To endure fra þe ſecund day of March next to cum, quhil[6] his returnyn and cumming hame again within the realme, and xl dais þaireftir.

[1] Uncle. [2] Hangman, executioner. *See Dr Jamieson's Dictionary*, &c. [3] Old *Pitscottie* thus notices this horrible affair. 'In the mean tyme the Drummondis burnt the Kirk of Monivaird, quhairin was six scoir of Murrayes, with their wives and childraine; and few escaped thairfra, bot war all aither burnt or slaine, except on (one) David Murray. Quhilk fact the King punished condignlie, thairefter; for he headed (beheaded) monie of the principall actouris thairof, at Stirling.—*Lindsay's Hist. Dalyell's Edit.* i. 249. Reference may be made to *Douglas's* Peerage, 1st edition, *voce* Perth, for an ample account of this cruel and atrocious act. He adds, that William, Master of Drummond, was apprehended and sent prisoner to *Stirling*, where he was tried, convicted, and executed, in 1511. [4] These entries are very frequent in the Records of Justiciary and Privy Council. See also Oct. 13, 1505. [5] Ralston of that Ilk. [6] Until.

Mar. 17.—Remiſſion to DAUID HUME OF WEDDERBURNE, kn^t, and eight others, for art and part of the **Slaughter** of John Lowdonne. (*Apud Edinburghe.*)

Mar. 20.—Remiſſion to ARCHIBALD HESLIHOP, vtherwais callit *Schir Suythe*, for þe **Resset of the Ruthirfurdis**, þe Kingis REBELLIS, and þair complicis, being at his horne: And for **assistance** gevin to þaim, in felling of met and drink to þame, þe tyme þai war at þe horne; and al crime þat may be imput to þe ſaid Archibald in ony wiſe þairfor, alanerlie makand ſatisfactioune to þe partiis complenȝeand.

May 2, 1501.—Reſpite to JOHNE OF KINCAID for the **Slauchter** of vmq^le David Maſone and for all vther actionis, &c.: For ane ȝere efter the date hereof.

May 11.—Remiſſioune to WILȜAM MURRAY and George Tayt, for the **Slauchter** of Archibald M^ckowloche of Ardwell, committit apon forthocht fellony, &c.

Jun. 14.—Lettre to Schereffis in that parte for to ſummond THE ARMESTRANGIS, to the nombir of lxx, to compere at SELKIRKE, the xxj day of Junij, to vndirly the lawe for the **Slauchteris** of Johnne Blacburnne, &c.: Certifying thame, that and[1] thay compere nocht the ſaid day, thai ſalbe denuncit the Kingis Rebelles, and put till his horne, &c. (*Per ſubſcriptionem* REGIS.)

A Letter to THE ERLE OF BOITHVILE, as the Kingis Lieutenant, **to raise the Kingis leiges** for to paſs vpoune the ſaidis **Armistrangis**, REBELLIS, thare aſſiſtaris, parte-takaris, and reſettaris, and to perſewe thame to deid; and to tak thare gudes, as eſchete, quharefumeuer thai ma be fundin: And giff ony perſones nocht beand at the hornne beis fundin takand thare parte, that thai maa be perſewit, takin or ſlain, as the principallis, withoute ony cryme to be imput thareffore, in tyme to cum; AND proclamatioune to be maid, that nanne of the Kingis lieges Reſſet thaim, or vþer wais ſupport thame, vnder the pane of deid. (*Per ſubſcriptionem* REGIS.)

Aug. 5, 1501.—Reſpitt to MORISE BUCHANNAN, ſone to Walter B. of þat Ilk, Patrik bruþer to þe ſaid Walter, Johnne, and Moriſe B. Androſoune, for art and part of þe **Slaughter** of vmq^le Johnne Dormondſoune, for þe quhilk thai ar at oure ſouerane lordis horne, &c. unto the day of the making of the ſaid Reſpitt, &c.: To endure for iiij monethis nixt to cum, eftir the date hereof, and farther, for the Kingis will to endure.[2] (*Per ſubſcriptionem* REGIS.)

Dec. 7—Remiſſion to WILLIAM HAY (MASTER OF ERROL), ſon and heir apparent of William Earl of Erole, and three others, for **Stouthreif** of 31 **Oxen** from Sir William Keithe of Inuervgy kn^t.—WILLIAM CRAUFURD OF FEDERAY, Gilbert Hay, and five others, alſo got Precepts of Remiſſioune for the ſame crime. (*Apud Abirdene.*)

Mar. 2, 1501-2.—Remiſſionne to JAMES STEWART of Garthill, for the **Slauchter** of vmq^le Andro Caldale, &c. to the date hereof.

Mar. 21.—Letter to ALEXANDER ERLE OF HUNTLIE, THOMAS LORDE FRASER OF LOVATE, and WILLIAME MONRO OF FOWLIS, makand þame or twa of þame, coniunctlie, þe ſaid Erle beand ane, Commiſſaris **to Sett** þe KINGIS **Landis of Lochabre** and **Mawmore**, liand within the ſcherefdome of Inuernes, for þe terms of fyve ȝeris, entarand at þe terme of Witſunday nixt to cum, to trew menne, for þe plenyſing þairof, and expelling of brokin-menne furthe of þe ſamyn; and to ſett þe landis of **Cogeath, Assent**, and all vþer ferme-landis þat pertenit to **Torquell Makloid of Lewis**, and now being in þe Kingis handis throw þe being of þe ſaid TORQUELL his Rebell, fugitive for þe lawis, and at his horne for al þe tyme þat þai ſall happin to be in þe handis of his hienes, be reſſoune foirſaid; with power to gif a parte þairof to gude trew menne, for þair gude ſeruice, for þe ſpace as þe ſaid ERLE ſal think expedient for þE KINGIS honour. (*Apud Striueling.*)

[1] *An*, if. [2] 11th April, 1500, a. r. 14, Precept of Remission was granted to them for the said crime.

APPENDIX.

May 22, 1502.—Remiſſion was granted to Alexander Wellem of Wodwray, for his treaſonably **abiding from the Kingis Raid at Aytoune, &c.**

May 28.—Reſpitt to Alexander Lord Hume, and diuerſe vper perſonis, ſpirituale and temporale, contenit in þe ſamyn, þare men, kynne, freyndis, allya, ténnandis and feruandis: To endure for xl dais efter þe ſaid Alexandris hame-cummyne.[1] (*Apud Edinburghe.*)

Sep. 14.—Reſpitt and Aſſouerance to Ewin Alanſone for his being at þe Kingis horne, and for all vper actionis, **to cum ſauflie** to þe King, his Lordis of Counſale, or to þe Erle of Huntlie, **to Stirlin**, or ony vper places: To endure for xx dais.

Feb. 13, 1502-3.—Lettre maid to Schir Johnne Ramsay of Trarinzeane, knycht,[2] makand him **Capitane** of þe Place and **Palace of Linlithgw**, and **Kepare** of þe Parke, loche, medois, warde, garding, and ȝarde of þe ſamyn, for al þe ſpace of nyne ȝeris; with power to mak Conſtables, jevellouris,[3] portaris, and oþer officiaris nedeful for þe keping of þe ſaid plaice, park, loche, medois, warde, garding and þarde: For þe keping of þe quhilkis, oure ſouerane lorde aſſignis to þe ſaid Sr (Johnne) the ſovme of xxiiij li. land, þat is to fay, ten pund land of Kyncavil, and xiiij li. land of þe Northe akirris, liand within þe lordeſchip of Linlithqwſchire, withe all dewiteis aud proffittis, as vþer Capitanis had of before; with power to mak ſubtenandis in þe ſaides landis.

Feb. 21.—Remiſſion to James Marschale, for the **Slaughter** of *Thomas Scherewynd*, committed four years ſince. (*Apud Edinburghe.*)

Feb. 25.—Reſpeit to Robert Herise, ſone and apperand are to George Heriſe of Tarrauchty, George and Robert H. bruder and ſone to the ſaid Robert, and Thomas Skalis, for the **Oppreſſioune** done to James Crechtoune of Frendract knicht, in the **Yozchyng**[4] **of certaue horse** of his, &c.: To indure for the ſpace of xl dais, and þaireſtir induring oure ſouerane lordis will, quhill[5] thai be warnit of foure dais; with this clauſe, releſcheing of þaim of þe horne, taking of þaim to þe Kingis pece, and geving þaim of þe wand þairof.[6]

May 11, 1503.—Reſpit maid to Maister Duncane Makke, Andro Akerſane, Litil Gilbert Makke, and Johnne Clerk Makke, for art and part of þe **Birning of þe Youse and Place of Dunskay**, in cumpany with Alexander Mcculloch of Mertoune, knicht: And for art and part of þe **Reif** of certane gudis being þairin þe ſammyn tym, &c.: To endure for xix ȝeris. *Apud Kirkcudbricht, per binas Signaturas ſubſcript. per* Regem.

May 15.—Reſpitt for Johnne Makke of Myretoune, and fyve vperis, for art and part of þe **Birning of þe Youse and Place of Dunskey**; and for all crime þat may be imput to þaim or ony of þame, for þe ſaid actioune of ffyre allanerly: To endure for þe ſpace of xix ȝeris. (*At Wigtoune.*)

Jul. 3.—Remiſſion to John Stewart Makarchbald, and 59 others, for art and part of the **Aſsistaunce giben by them to Neill Stewart**,[7] in his Thefts and Stouthreifs. (*Apud Perthe.*)

Aug. 11.—Precept maid to James Lorde Hammiltoune of þe **Office of Justry** (Justiciary), within the boundis and **Ile of Arane**; with power to gefe Remiſſionis and Reſpittis to al perſonis Inhabitantis þe ſammyn, for al crimes, except Treſſoune in þe Kingis perſoune: To endure for all the dais of his life.

Aug. 25.—Remiſſioune to Thomas Maknare for arte and parte of þe **Birning of þe Yous and Place of Weyme**: And for arte and parte of þe **Slaughter** of vmqle Dauid Menȝeis, Johne Menȝeis, Johnne Kirkpatrik, Andro Dalȝell, Thomas Makculloche, and Thomas Myllare:

[1] He was frequently employed in Negotiations with England between 1495 to 1504. See *Rymer's Fœdera*, xii. 548, xiii, 45, 64, 92. *Wood's* Peerage, i. 733, &c. [2] The forfeited Lord Bothwell. See this Collection, Oct. 8, 1488, &c. vol. i. p. * 4. [3] Jailers. Fr. *javilleur.* [4] Houghing, ham-stringing. [5] Until
[6] For the illustrations of this ceremony, see Nov. 18, 1511; Oct. 11, 1531, *Notice;* and Jul. 22, 1566, *Note.*
[7] Several other Remissions were granted for the same offence at various dates.

AND for all vpir actionis, &c., Treſſoune in þe Kingis perſoune, Murthure, and Reffaſing of womene except. (*Apud Edinburghe.*)

Oct. 2.—Remiſſion to JOHN MYRETOUN OF RANDLESTOUNE, for art and part of the **Forcible Abduction** ('**Raptus**')[1] of Elezabeth Sym, relict of John Elder in Kingiſbernys. (*Apud Couper.*)

Nov. 2.—Remiſſion to JOHN SPENS OF LATHALLAND, for caſting down and **diſtroying the grain** of Baward, belanging to *Sir Andrew Wod of Largo knt;* and thereby **oppressing** the ſaid Andrew: AND for **Spuilzie of the Teind sheaves** of the ſaid grain.

Nov. 2 and 14, and Dec. 10.—Remiſſions to ALEXANDER INGLIS OF TERVET, Johne Mailvile of Carnbe, John his ſon, Laurence Schethun, and five others, for art and part of the **Oppression** done to Thomas Butlaire of Rumgalli, in eating and deſtroying certain grain belonging to the ſaid Thomas. (*Apud Cuprum.*)

Nov. 28.—Remiſſion to ADAM SCOTT in Tuſchelaw for treaſonably breaking Priſon, and his Warde within the Caſtle of Edinburghe. (*Apud Edinburghe.*)

Dec. 14.—Remiſſion to PATRICK DUNBARE OF KILCONQUHARE, for **Resetting** Patrick his ſone and heir apparent, and Fergus Makdowell, the time they were **at the horn**; and for **Intercommuning** with them. (*Apud Striuelin.*)

Sep. 9, 1504.—Remiſſion to THOMAS TAYT, ſone of William Tayt in the Pariſh of Culvene, for art and part of the **Burning of Barsallochr**: AND for art and part of the **Slaughter** of John Sinclare, in the year 1402 (1502?) (*Apud Drumfreſe.*)

Dec. 10.—Remiſſion to MARK KER OF DOLPHINSTOUN, and three others, for forethought felony done to John Rutherfurd and others. (*Apud Jedburghe.*)

Remiſſion to ROBERT OLIUERE, called *Rob with þe dog*, for treaſonable **Intercommuning** and aſſiſting Dauid Oliuere, called *Na-gude-Preiſt*, and John Oliuere, called *Cageare*, being at the horn. (*Apud Jedburghe.*)

Jul. 20, 1505.—Reſpitt maid to VMFRA BELL, and lxxxiiij vperis, for all maner of actionis, crimes, and offenſis quhatſumeuer, done be þaim in ony tyme bigane, on to þe day þai gat þe KINGIS grace, in his Juſtice-Are of Drumfreiſe, immediatlie haldin eftir þe **Raid of Eskdale**: To endure for þe Kingis will. (*Subſcript. per* REGEM.)

Oct. 11.—Remiſſion to Sir Williame Fraſere of Phillorthe kn^t, for Reſetting, ſupplying, and intercommuning with ſundry of the King's Rebels. (*Apud Abirdene.*)

Oct. 13.—' Preceptum Remiſſionis ANDREE WARNOCHE, pro **Communi Litigatione** cum ligeis REGIS, et pro **Communi Oppressione** racione Dicte Litigacionis: ET pro **Rapina** vnius le *bugeſtaff*'[2] tempore dicte Litigationis: ET pro furtiva diſtructione bonorum quondam Johannis Michel, tempore quo concubuit cum ſua vxore, &c. (*Apud Lanark.*)[3]

Oct. 24.—Remiſſion to ALEXANDER PANTOUNE, for the **forethought felonies** done by him to Henry Forbes of Kynnellare, vmq^le Malcolm Forbes, and the Chamberlain of Arbro', and their accomplices, at Mekle Echtſy: AND for the **Hurting** of Alexander Kay: And for art and part of the felony and '**Yamesukkin**' done to the Laird of Owdny:[4] AND for the forethought felony and

[1] '*Raptus*,' which at this period did not signify Rape, but 'revissing,' or forcible abduction. [2] This seems to have been some warlike instrument, a *bill;* apparently from O. Fr. *bouge, bougeou, boulge*, which, however, is interpreted to be a bolt or arrow (javelin) with a great head.—*Cotgrave.* The buge-staff is likely to have been a sort of poll-axe or 'Jeddart-staff.'—See also *Dr Jamieson.* [3] The present entry is rather singular, and it has been thought proper to insert it as it occurs in the Record. See these extracts, Jan. 23, 1500-1. [4] On Aug. 10, 1511, Rannald Owdny of that Ilk, and Isobella Pantoune, his spouse, got a Charter from the Crown of the lands and mill of Owdny, &c. *Reg. Secr. Sig.* IV. f. 184.

Oppression done to the servants of the Laird of Tulydeff: And for Oppressing the said Laird, and **Mutilating** certain calfs belonging to him: And for **Stouthreif** of a sheep from David Thomsone: And for common Oppression, &c. (*Apud Abirdene.*)

Oct. 31.—Remission to Andrew Tulydeff of that Ilk, for **Oppression** done by him to William Turing of Foverne, in destroying his ploughs and certain houses, &c. (*Apud Abirdene.*)

Nov. 6.—Remission to Robert Arbuthnot of that Ilk, and three others, for **Common Oppression** done by them to vmq[le] Elizabethe Sibbald Lady Balgony, and Sir Andrew Lundy of Balgony, kn[t]. (*Apud Brechin.*)

Nov. 10.—Respitt maid to Dauid Bonare, for þe **Slauchter** of vmquhile Thomas Multrare of Markinche: To endure for half a ȝere next to cum. (*Subscript. per* Regem.)

Nov. 23.—Respitt to Johne Maklane of Lochboy, and all his kynne, frendis, tennandis and seruandis, for all maner of actionis vnto þe day of þe date of þis Respitt, and for twa monethis to endure. (*Subscript. per* Regem. *Apud Edinburghe.*)

Dec. 18.—A Respitt maid to Thomas Story ffor his tressonable passing, **Remanyng**, and duelling within þe realme of **Ingland**, baithe in tyme of pece and weire, without Licence of þe Kingis hienes, &c.: To endure for þe space of nyntene ȝeris next to cum. (*Subscript. per* Regem.)

Jan. 4, 1505-6.—A Remitt maid to Hew Lord Montgomery, John his bruder, John Montfoid, Robert Russale, Walter Lyne, and Edward Maxwell, for all actioun and cryme þat may be impute to þaim of þe **Resset**, and **supple, intercommenyn** with þe saidis **Rebellis**, of ony tyme bigane. (*Subscript. vt supra.*)

Eo die.—Lettre of Remit maid to Archbald Erle Ergile, Colyne Maister of Ergil, and xxxj vþeris personis, þair seruandis, for þe **Resset, intercommonyn**, and **supple** gevin to þe said **Maister of Montgomery**, George Railstoune, and James Striueling, þe Kingis Rebellis foirsaid. (*Subscript. vt supra.*)

Jan. 23.—Lettre maid vndir þe Priue Sele, direct to Lauchlane Makgilleone of Doward, and ix vtheris landit menne within þe Ilis, chargeand þaim þat þai have na intrometting nor disponyng withe ony Kirkis, fermes, malis, proffittis pertenand to **Johne Bischop of Ylis and Commendatare of Icolmckill**, without tak or Licence of hym; and als prayand þaim to help and supple þe said Bischop, his factouris and seruandis, in þe gadering and vptakin of þe famyn. (*Subscript. per* Regem.)

Jan. 29.—Lettre of Remitt maid to Donald Makranald Vane, and generally to all vþer personis, his tennandis, duelland apone his propir landis, and all his familiaris and seruandis now being with hym in howshald, Remittand to him þe rancour of þe Kingis hart and all actioun þat he has or may have again þame or ony of þame for all maner of crimes of **Tressoun, Slauchter, Fire, Reif**, or vþer actionis or offensis quhatsumeuir, committit or done be þaim or ony of þaim, in ony tyme bygane, before þe day of þe dait heirof. (*Apud Edinburghe, Subscript. per* Regem.) 'Gratis Comiti de Ergile.'

Feb. 22.—Remission to Thomas Law, junior, in Glasgw, for art and part of the **Theft**, 'vnius paris oraculorum de le *curell*,[1] cum vno annulo auri,[2] et vno le *pendes* cinguli,[3] from Isobella Huchonsone. (*Subscript. per* Regem.)

Apr. 18, 1506.—Remission to William Lord Borthuik and eleven others for the **Stouth-**

[1] Coral mass-beads. [2] Gold ring. [3] *Pendants*, or hanging ornaments belonging to a zone or girdle. See these Extracts, Mar. 11, 1506-7.

rief of certain 'halkis,' furth of the **Rock of Ernerag**, pertaining to Sir Oliver Sinclare of Rosling kn^t; and for the **Mutilation** of William Adamsone. (*Apud Edinburghe.*)

Apr. 24.—Respitt maid to JOHNE ERLE OF CRAUFURD to pas in his **pilgrimage to Sanct Johne of Amcas**, or vper pairtis beȝond sey; fra his passing furthe of his realme quhill[1] his againe cummyn in þe sammyn and fourety dayes þairestir. (*Subscript. per dominum* REGEM, *apud Edinburghe*)

May 10.—Remission to WILLIAM BROVNE alias *Gilliam Tawbornare* for the **Slauchter** of Patrick Harpare. (*Apud Edinburghe.*)

May 28.—Remission to GILBERT TUEDY for art and part of the **Slauchter of Edward Huntare of Polmude**, committed six years since. (*Apud Peblis.*)

Jun. 4.—Respit maid til ANDRO WODE OF LARGO, knycht, for þe **Reif of aue anker and cabyll** fra vmq^le Johne of Bonkill, in þe sea; and for all vper actionis and crymis committit be him vnto þe day of þe dait hereof. (*Apud Edinburghe, per signaturam manu* REGIS *subscript.*)

Jun. 11 and 16.—Remission to SIR SYMON PRESTOUNE OF THAT ILK, kn^t, Alexander Naper, and Robert Douglas, for art of the **Oppression** done to JOHN LORD SOMERVEL, and John S.: AND for art of **breaking the King's Protection**, granted to them in occupying the Lands of Guttaris and Gilmertoun: AND for the **Stouthrief** of certain horses furth of the lands of Gilmertoun; and for all action, &c. (*Apud Edr.*)

Jun. 22.—Saufconduct maid to (SCHIR) WILLIAM TYRWIT, kn^t., INGLISMAN, & xvj Inglismen with hym, to cum in **Pilgramage to Sanct Ninians**.[2] (*Subscript. per* REGEM, *apud Edinburghe.*)

Jul. 1.—Remission to ANDREW CHANCELLARE, and Johne Bere, for absconding with the 'bludy-hand' with Gilbert Tuedy, after the **Slauchter of Eduard Huntare of Polmude**, committed by the said Gilbert; and for art and part thereof. (*Apud Lanark.*)

Jul. 16.—Respitt maid to DONALD MAKEWIN MAKKAROLY OF CLANLAYNE, for all maner of actionis; to endure for xl dais next after þe next fest of Lammes. (*Subscript. per* REGEM, *apud Edinburghe.*)

Nov. 12.—Remission to ADAM TURNBULE of Bullirwell, for **Resetting**, Supplying, and Intercommuning with **William Turnbule of Hynto**, and Mark, Edward, and Walter T., his accomplices, being Rebels and at the horn. (*Apud Jedburghe.*)

Jan. 3, 1506-7.—Lettre of Licence made to ARCHBALD ERLE OF ERGILE, and HEW LORD MONTGUMERY to **Intercommoun**, and gif **Ressett**, supple, and fortefy with mete and drink, GEORGE RAILSTOUNE and JAMES STRIUELING, beand at þe Kingis horne for þe **hurting** of William Cunyngham, **Crownar of Renfrew**, in þe executione of his office; and als with JOHNE, MASTER OF MONTGUMRY, fone and apperand aire to þe said HEW, quhill þe next fest of Palme Sonday. (*Subscript. per* REGEM, *apud Edinburghe.*)

Jan. 4.—Remission to LAURENCE COWTIS, in Ruthvene, for art and part of the treasonable **Insurrection against the King**, coming with ALEXANDER, EARL OF HUNTLIE, then LORD GORDOUNE, in an Army at **Dunkeld**. (*Apud Edinburghe.*)

Jan. 28.—Respitt to ARCHIBALD and JOHNE HERIOT for art and parte of þe **Slauchter of** vmq^le **Johne Fentoune, of that Ilk**: To endure for a ȝere; and forþer, for þe Kingis will. (*Subscript. per* REGEM, *apud Edinburghe.*)

[1] Until. [2] Such Warrants were by no means infrequent at this period. Many Nobles and Lairds of Scotland also obtained leave to go in Pilgrimage to Canterbury, (to the shrine of St Thomas a Becket,) and to France and Spain, &c.

APPENDIX.

Feb. 8.—Respitt maid to Johne Kennedy of Blarequhan, knight, Adame Rede of Starquhite, and Maister Vchtred Adunnale, to pas in pair **Pilgramage to Sanct Thomas of Canterbury,**[1] in Ingland, and **Sanct Johne of Amcas, in France;** fra pair passing furth of pis realme quhill[2] thare returnyn agane in pe samyn, and xl dayis pairestir. (*Apud Edinburghe.*)

Feb. 28.—Remission to Sir John Forman, knight, and xxiiij others, and all other persons being in company with the Archbishop of Glasgow and the said John, in the Monastery of Jedburghe, the time of the **Slaughter** of Thomas Rutherfurd, for the said Slaughter; and for the '**Vereschip**' of certain goods from the said Thomas, committed by the said persons in the said Monastery, at the time foresaid. (*Per Signetum datum ad requisitionem domini* Regis.)

Mar. 11.—Remission to Thomas Law, junior, for the **Stouthrief** '*vnius le* pendes *3one, ponderis dimedie vncie argenti*'[3] from Elizabeth Huchesoune. (*Apud Striueling.*)

Apr. 5, 1507.—Passport to Bernard Dromone, Trumpetter, and four others, his companions, to come from Bononia to serve the King with their trumpets and musical instruments.[4] (*Subscript. per Regem apud Edinburghe.*)

May 31.—Letter of Bail3ery to Johne Maister of Athole, makand him Bail3e of all and sindrie pe landis, rentis, and possessionis with pair pertinentis, pertenyng to vmq[le] Alexander Robertsoune of Strowane, and now to the Kingis hienes, threw ressoune of Ward, &c. (*Subscript. per Regem.*)

Jul. 6.—Remission to John M'Persone, for art and part of the **Burning of the Place of Weme,** and **Homicide** committed therein, in company with Neill Stewart: And for all other actions committed previous to Jul. 1, 1503, &c. (*Apud Perthe.*)

Jul. 7.—Remission to James Muschet of Culgarthe for the **theftuous destruction** of the goods of James Robesoun, the time he lay with his wife: And for **forethought felony** done to the said James; and for **Hurting** him: And for the **Oppression** done by him to Sir John Haldane of Glennegase, kn[t], and the Lady of Merchame, in casting down and destroying the aqueduct of Lanerk: And for **common Oppression** of the lieges. (*Apud Perth.*)

Aug. 18.—Respett to Sir Johne Lundy of pat Ilk to pas in **Pilgramage to Sanct Johne of Ameise:** and taking his 'barnys, men, tennentis, &c., under his ferme pece and speciall Protectioun.'

Sep. 8.—Letter maid to Alexander Erle of Huntlie, in pis forme.

James, be pe grace of God, King of Scottis. To al and sindrie our officiaris, liegis and subdittis, &c. Forsamekil as We grantit and gaue of before to Mergret, pe sister of Alexander of pe Ilis of Lochquhelch, knycht, indurand our will, our landis of Scalpa and Torrea, with pare pertinence, extending to four merkis wrocht[5] of land, lyand in Strawrochille,[6] and pe landis of Morournycht, extending als to foure merkis wrocht of land; and pe landis of Vngoworrw, extending to vper foure merkis worth of land, lyand in Trauternes: Quhilkis Mergret hes applyit and subiectit hir persone, landis, and gudis, quheper in lauchfull mariage or aper wayis, We knaw nocht, to Donald Makcarle Maklauchlane Done, quhilk has assistit to oure Rebell Torkill Makclode of Lewis, passand with him, committand Reif, Spul3ie, and Oppressioun apon our trew liegis; quharfor it plesis ws nocht pat pe said Mergret or he haf any profit of our landis. Herefor, We haue grauntit, gevin, and confermit, and be thir our Letteris, gevis, grauntis, and confermis pe said tuelff merkis wrocht of

[1] The Shrine of St Thomas a Becket. [2] Until. [3] See these Extracts, Feb. 22. 1505-6. [4] This is given merely as a specimen of numerous similar entries. James IV. gave great encouragement to Minstrels, having often from fifty to sixty in his pay at one time, as officers of his Household. He seldom travelled without Minstrels, 'Tale-Tellaris,' &c. [5] Wroucht, or worth; *valor.* [6] Strathardale?

laund of Scalpa, Torrea, Morrournycht, and Wngoworro, with þar pertinence, induring our will, to our traist cousing and counsalour, **Alexander, Erle of Huntlie, Lord Gordoune and Baidzenacht,** and to his assignais, to be brukit, disponit, gevin, or assignit be him to quhat personis of þe Ilis or aþeris he plese, þat wil do him and ws seruice þairfor. Quharfor We charge straitlie, and commandis 3ow, all and sindrie our officiaris, liegis, and subdittis forsaid, þat nane of 3ow tak apon haund to lat,[1] stop, trubil, inquiet, or molest our said cousing or his assignais, in þe brouking, josing, and vsing of þe said landis, induring our will, and quhill we gif our special Letteris in contrare; vndir al þe hiest pane, and charge, and offence 3e or ilk ane of 3ow may committ or inryne[2] agane our Maiesté in þat part. Gevin vndir our Prive Seil, at Ed^r^., þe viij day of September, and of our regnne þe xx 3ere.
[James R.]

Sep. 13.—Remission to John Lord Oliphant, and two others, for art and part of the **Oppression** done to John Lord Drummond, by destroying and casting down the dikes between the lands of Drvmane and Balloche: And for **forethought felony** don to vmq^le^ John Earl of Buchan, done within the burgh of Perth, after the **Slaughter** of James Oliphant of Arquhelȝie, committed by the said Earl and his accomplices: And for all other Oppressions, forethought felonies, actions, and crimes, &c. (*Apud Edinburghe.*)

Sep. 14.—Respitt to James Erle of Arrane, Lord Hammyltoune, at his passing 'in þe realme of Frans and vþer parteis beȝonde þe sey, on certane chargis and erandis of ouris and his awin; and alse, in **Pilgramage to Sanct Johne of Amcas,** and vþer placis: We haf þarfor takin vndir our ferme pece, special Protectioun, mantenance, supple, defence, and Saufgard, our said cousing, his men, kyn, firname, tennentis, &c., and in speciale our louittis ane Reuerend fader in God, Dauid, Bischop of Ergile, and James Hammyltoune of þe Schaufeild, kn',' &c.

Sep. 16.—Remission to John Thowless, in Brechin, for the **Slaughter** of Alexander Meill, committed 'on suddantie,' by the stroke of a '*golf-club.*'

Oct. 10.—Remission to Patrick Dunbar, son and heir apparent of Patrick D. of Kilquhonquhare, and two others, for the **Slaughter** of Patrick Makculloche, committed by them in the town of Wigtoune, ten years ago. (*Apud Edinburghe.*)

Dec. 18.—Remission to Alexander Gardin for the **Slaughter** of John Jamesonn, within the *Fortalice of Panmure,* by throwing a stone at him, 22 years since. (*Apud Striuelin.*)

Jan. 24, 1507-8.—Protection and Respitt to John Erle of Crawford, Lord Lindesay, Respittand him for **all actionis,** &c. fra þe day of þe date hereof, vnto his returning within þe realme, and xl dayis þaireftir.

Mar. 4.—Remission to John Inche for **Intercommuning with George, Earl of Rothes,** the King's Rebel, and at the horn. (*Apud Edinburghe.*)

Mar. 11.—Remission to Johne Gordon of Lochinver for art and part of the **Reif of a mare** from John Makmulane of Arindavacht, &c. (*Apud Edinburghe.*)

Apr. 6, 1508.—Respitt to Archbald Huchonsoune of þe Ilys and xxviij vþeris (because of þair grit lawbouris, deligence, and gude and thankfull seruice done be his hienes in þe persewing and **taking of Auchane Duncane Dowsone, Sorle,** his sone, and **Donald Mule Makalester,** his Rebellis, and being at þe horne; and for þe bringing and delinering of þaim to be maid to his gude grace, or to quham he ordanis þame to be deliuerit, be his writingis) for þe **Slaughter** of vmq^l^ Donald Hutchonsoune, vþerwayis called *Galdlauche,* bruder to þe said Archebald: And for all vþeris **Slauchteris, Hereschippis, Birningis, Reffis, Murtheris,** &c., before þe date of þis Respitt; for

[1] Let; hinder. [2] Incur.

the ſpace of 19 ȝeris. Providing allwayis, þat gif his ſaid Rebellis beis nocht brocht, &c. þis Reſpute to be of nane avale, &c. (*Subſcript. per dominum* Regem, *apud Edinburghe.*)

Apr. 20.—Remiſſionne to Johne Chene of Essilmont, Henry and Johne his breþer, and Johne Balluny, for þe **forthocht felony** done be þame apoune Duncane Forbes, in þe Gallogate, within burghe of Aberdene; And for þe **Reif** of ſwerdis and vther wapinnis fra þe ſaid Duncane and his ſeruitouris, þe ſammyn tyme: And for all vþer crimes, &c.

Apr. 29.—Commiſſionne to Andro Bischop of Cathnes, Ronald Alanſoune of Ylanebigerne, and Alexander Mᶜclode of Dunvegane, and to twa of þaim, conjunctly, **to set** þe landis of þe **Lewys and Wattirnes in Sky**, þat pertenit to Torqwyll Mᶜclode of þe Lewis, and now to þe Kingis hienes, be reſſone of his fforfatour, &c.; for the term of five ȝeris. (*Apud Dunfermeling.*)

May 30.—Licence to 'Patrik Lord Lindesay of þe Biris, and Jhone Lindeſay of Petcruvy, kny^t, his ſone and apperand air, to paſs in þe realme of France, in pare **Pilgrammage to Sanct Jhon of Ameys** and vþeris pairtis beȝond þe ſey.' To endure for þe tyme of ſevin ȝeris. (*Apud Edinburghe.*)

Oct. 17.—Remiſſion to Harbert Maxwell of Kirkconwell, Andrew Alane, and two others, for the **Stouthreif** of a log[1] from the Debateable land between the ſaid Harbert and John Herijs of Maby: And for the **treasonable Conspiracy** made by them, in Convocating the lieges, with John Lord Maxwell and his accomplices, upon Robert Lord Crechtone, Sheriff of Drumfreiſe, and his Deputes, &c.[2] (*Apud Kirkcudbryght.*)

Oct. 21.—Remiſſion to Thomas Buk for the **treasonable Conspiracy** committed by him in Convocating the lieges, with John Lord Maxwell and his accomplices, **against** Robert Lord Crechtoune (of Sanquhare), **the Sheriff of Drumfreise**, his Deputes, friends, and ſervants, and hindering him in the execution of his office: And alſo for art and part of the **Slaughter** of William Dalȝell of that Ilk, and John Carmichell, **the Deputes** of the ſaid Sheriff, and of others ſlain at the ſame time: And for all other crimes done by him, day and place foreſaid: And for **Oppression** done to Mr John Huchesone, putting violent hands on him, and **Spuilȝie** of certain teind ſheaves from him: And for the **Stouthreif** of certain oxen, to the number of four ſcore, from James Lindeſay; And for **common Oppression, &c.** (*Apud Kirkcudbryght.*)

Nov. 3.—Remiſſion to John Kennedy, ſon of John Lord Kennedy, for the **Stouthreif** of a horſe from Fergus Ferguſſone: And for the Stouthreif of another horſe from the Countess of Erole, his mother: And for forethought felony done to Duncan Kennedy: And for **Resetting** Sir William Coluile of Vchiltre, kn^t, and other **Rebels** at the horn, &c. (*Apud Are.*)

Nov. 4.—Remiſſion to Thomas Kennedy of Bargany for art and part of the **Stouthreif** of eight oxen from Jonnet Lokkert, relict of Henry Kennedy, &c. (*Apud Are.*)

Jan. 2, 1508-9.—Lettre maid to Robert Lord Crechtoun of Sanchare, makand menſione, þat becauſe þe Kingis hienes vnderſtandis, and kennis wele, þat þe ſaid Robert maid and ſet a Court to be haldin at Drumfreise, þe laſt day of July, for Miniſtratione of juſtice to certane perſonis within þe bondis of his office; and þat he mycht, nor durſt nocht cum to þe ſaid Burgh to hald þe ſaid Court, without warnyng, ſupport, and ſupple of his frendis, as well apperit fra[3] **his Deputis war cruelly slane**, in þe executione of his office, and halding of his ſaid Court; and þat þe perſonis cuming with þe ſaid Robert to þe ſammyn, come in þe ſtrenthin of him in þe executione of his office, and furthputtin of þe Kingis auctorité, and nane vþerwayis: That pairfor, it is þe Kingis mynde and will, þat þe ſaid Robert, nor nane vþer perſone nor perſonis þat come with him to þe ſaid Court, be

[1] '*Ligni.*' [2] See Trials, Vol. I, * 77, &c. [3] From the fact that.

attechit, arestit, or accusit be ye JUSTICE, Justice Clerk, &c., for **Convocatioun** of ye Kingis liegis **Slauchter, Reif,** or ony vyer maner of crime or actione, committit or done be him or yaim ye said tyme, or be ony occasione or ony vyer thing yat mycht follow yairupone; bot will yat ye famyn ceise fra euer, in tyme to cum.[1] (*Apud Sanctandrois.*)

Jan. 18.—Respitt made to THOMAS LYN, burges of Edinburgh, for ye **Slauchtir** of vmq^le SCHIR LANCELOTE PATONSOUN, CHAPELLAIN,[2] quhilk happinnit be negligent cure and medicine yat ye said Thomas tuk one him to cure and hele ye said vmq^le Schir Lancelote of ye infirmite of ye grantgor,[3] yat he was infekkit with. To endure for xix 3eris. (*Subscript. per dominum* REGEM, *apud Edinburghe.*)

May 3, 1509.—Respit maid to MALCOLME M^cCLOID OF RYSEY for all maner of **actionis, crimes, and offensis** quhatsumeuer, committit and done be him in ony tyme bigane, before ye day of ye dait hereof, to be vnhurt, &c. for ye space of sex monethis nixt to cum eftir ye day of ye date hereof, and forper, during ye KINGIS will, to ye effect yat he may in ye mentyme cum to ye KING and ye LORDIS of his CONSALE to do his leiful erandis, without arrest or trubill in ony wise. (*Subscript. per dominum* REGEM, *apud Edinburghe.*)

Nov. 7.—Remission to SIR HENRY WARDLAW OF TORRY, kn^t, and Michael Strathenry of that Ilk, for **common Oppression** committed by them: AND for **Resetting,** Intercommuning, and supplying REBELS at the King's horn: AND for **Stouthreif,** &c. (*Apud Cowpare.*)

Remission to GEORGE PITCARNE, for **Oppression** and **forethought felony** done to John Bikertoun.

Nov. 9.—Remission to DAVID BALFOURE, in Petcullo, and David, his son, for **Intercommuning** with GEORGE EARL OF ROTHES, being at the horn, &c.

Nov. 11.—Remission to WALTER HERIOTE OF BURNTURK, for his disobedience and contempt, and treasonable **Abiding** from the King's **Army against the English,** conveened at **Aytoun;** and for all other actionis, &c. (*Apud Cowpare.*)

Nov. 14.—Precept of Remission to HENRY PITCARNE OF DRUMGY, for treasonably **Abiding** from the King's **Army against the English.**

Nov. 16.—Precept of Remission to JOHN TERVET OF THAT ILK, and Elias Tervett, his uncle, for his disobedience and contempt in **Abiding** from the King's **Army at Aytoune:**[4] AND for common **Oppression** of the lieges, &c.

Dec. 2.—Precept of Remission to ALEXANDER KER OF STRALOCHE, for art and part of the **Burning of the Place of Weme** and **Homicide** therein committed, in company with the King's Rebels, &c. (*Apud Edinburghe.*)

Feb. 2, 1509-10.—A Lettre of **Rehabilitatioune** maid to ALEXANDER LEKPREUIK in yis forme: FORSAMEKLE as ye said Alexander wes accusit for art and part of ye cruell **Slauchter** of vmq^le George Hammyltoun, and wes convict of ye sammyn be ane Assise, and yairfor Dome wes gevin in ye Tolbuth of Ed^r, yat ye said Alex^r suld be dampnit to dede for art and part of ye said Slauchter, &c.: AND now, for certane gude causis and vther consideracionis moving our mynde, We haif Reabillit[5]

[1] See above, Oct. 17 and 21, 1508; and also TRIALS, Vol. I, * 77. [2] This Churchman seems to have been one of the old leaven, chronicled by honest *George Marioreybanks*, thus:—'In the yeir of God 1533, Sir Walter Coupar, Chaiplaine in Edinburghe, gate a pynte of vyne, a laiffe of 36 vnce vaight, a pock of aite-meill, a pynte of aill, a scheipe hede, ane penny candell, and a faire woman, for ane xviij penny grote.'—*Annalls of Scotland*, p. 5. [3] Lues Venerea. [4] A number of others got Remissions for the same offence; among whom are Sir Andrew Kynnynmonthe of that Ilk, knycht; William, his brother; David Spens of Wolmerstoun, John Betoune of Balfour, Alex. Lathreise of Orky, &c. [5] Rehabilitated; restored. L. B. *rehabilitare.*

þe faid Alexr to his gude fame and honour, and alfe hes maid him lauchfull, be þir our Letteris, to excerfe all lauchfull dedis, in jugement and outwithe, and to bruke and joife all dignateis, officis, landis, rentis, poffeffionis, and gudis, alfe fre as he did before þe committing þe faid Slauchter. (*Subfcript. per* Regem, *apud Edinburghe.*)

A Licence, Protectioune, and Refpitt maid to Maister Patrik Blakater, Archidene of Glafgw, to pas to þe realme of **France to besy the Scules**, and to vþer pairtis beȝond þe fey. (*Subfcript. per* Regem, *apud Edinburghe.*)

Feb. 10.—A Lettre maid to Marione of Ylis, dochter to **Makranald Bayne**,[1] at þe inftance and requefte of þe Erle of Anguse, of þe Gift of foure merk land of Cortynvale, lyand in þe lordfchip of Kyntire, fre of all males and gerfovmes and dewiteis; for hir life tyme. (*Apud Striueling.*)

Apr. 12, 1510.—A Refpit maid to Lauchlane McGillane, his kynnifmen, familiaris, and feruandis, faufly to cum to þe Kingis prefence to Striuelin, or quhare it fall happen to be for þe tyme, for expedicioun of his erandis þat he has ado; and furely to returne agane quhare he come fra. To endure for xl dais. (*Apud Striuelin, fubfcript. per* Regem.)

Apr. 19.—A Refpitt to George Lord Seytoune, gevand him Licence to pas in quhat pairtis he plefis outwith þe realme, with quhat perfonis, his kynnifmen or feruandis he likis, for þe tyme: For the fpace of thre ȝeris, &c. (*Subfcript. per* Regem, *apud Striueling.*)

Apr. 22.—Adam Ruthirfurd, fone to vmqle George R. of Langnewtoune, got Letters of **Rehabilitation**, viz. Forfamekill as he wes apprehendit and takin rede-hand committand **Thift** and crimes apone oure liegis, and þairfor wes put in oure Caftell of Edinburgh in fermance and prefoune, and wes kepit in oure faid Caftell be þe fpace of thre quartaris of ane ȝere with þe mare[2] to have bene juftifit[3] for þe faid Thift, and for **Slauchteris** and vþer grete crimes committit and done be him of before, 'neuertheles We movit of pete,' &c. (*Subfcript. per* Regem *apud Edinburghe.*)

May 10.—Refpitt to Robert Elwald of Redeheuche, and nine others,[4] faufly and furely to cum to þe Kingis prefence, and faufly and furely to remane and abide for þe expedicione and doing of þair materis, concernyng gude reule to be had and kepit in þe cuntre, &c. To endure for thré monethis. (*Subfcript. per* Regem *apud Striueling.*)

May 26.—A Refpitt to all and findry þe **Tenentis and inhabitantis** of þe landis and lordfchip of **Liddisdale**, faufly and furely to cum to þe Kingis hienes to Edinburghe, &c., concerning gude reule to be had and kepit within þe faidis pairtis, &c. To endure for a moneth.

Jul. 4.—Precept of Remiffion to Gillaspy Dow, (Baiłȝe of Trontiones,) John Makgillemartyne, and fixty-three others, for **Common Oppression** of the liegis: And for **Resetting**, fupplying, and Intercommuning with **the King's Rebels**: And alfo for **Fire-raising**, &c. (*Apud Inuernys.*)

Jul. 9.—Precept of Remiffion to George Falconare of Halkertone and Robert F. for **Common Oppression** of the lieges, &c. (*Apud Inuernys.*)

Precept of Remiffion to Andrew Kynnard of that Ilk, dwelling within the fhire of Inuernys, for **Supplying, Resetting, and Assistance** given by him to the King's Rebels, being at the horn: And for all other crimes and actions, &c. (*Apud Inuernys.*)

[1] See Trials, I. [2] 45, Jan. 20, 1505-6. [2] And upwards. [3] Executed. [4] Thre Elwalds, two Nixsones, two Croseris, two Hendersonis, and Alexander Armestrang.—On Nov. 20 thereafter, they, along with Sym and George Armestrang, James Forestare, Jaffray Blakburn, and all and sindry vtheris, the **Inhabitaris of Liddisdale**, got a Respite 'to be vnpunyst in thair personis for xix yeris,' (*apud Jedburghe,*) for all crimes previous to that date.

Jul. 15.—Precept of Remiſſion to SIR JAMES CRECHTONE OF FRENDRACHT, kn^t, and xvij others, for their treaſonable **Abſence from the Army at Aytoun**, where THE KING was in proper perſon, to reſiſt THE ENGLISH, &c. (*Apud Edinburghe.*)

Jul. 24.—Reſpit maid to þe LORD OF SANCT JHONIS, in double forme, and to xxiiij perſonis, his houſhald men, **to pas to the Court of Rome, the Rhodis**,[1] and vþer partis.

Nov. 27.—Commiſſion to ADAME ERLE BOITHUILE, LORD HALYS, and ADAM HEPBURNE OF CRAGGIS, and to þair BAILZEIS, to inbring all maner of perſonis, treſpaſſouris, committaris of quhatſumeuer crimes **within the boundis** of þe ſcherefdome **of Roxburghe** and lordſchip of **Liddisdale**, and within ony vther landis, boundis, rovmes, and Bailzerijs pertenyng to þe ſaid Adam Erle Boithuile, quhilkis ar fugitive fra þe lawis: AND gife þai may nocht be apprehendit, þat þai eſchete þair gudis, and inbring þe ſammyn; and gife neid beis, **to Birne** þare houſis, and SLAA þaim þat beis apprehendit; and þe laif to BANYS þe realme, þe quhilkis ar fugitiue. (*Subſcript. per* REGEM, *apud Jedburgh.*)

Jan. 12, 1510-11.—Precept of Remiſſion to THOMAS MURRAY, ſon of vmq^le John Murray of Balloche, for the **Slaughter** of George Murray, committed xj years ſince. (*Apud Edinburghe.*)

Jan. 16.—Lettre of Rehabilitatioune to PATRIK M^cLELLAN OF GILESTOUNE,[2] ſayand, þat þe KINGIS grace Reabillis þe ſaid Patrik to his warldly honouris, digniteis, and vþer priuilegis, and lauchfully to ſucceid to his fader and vþeris his predeceſſouris, nochtwithſtanding þe Dome gevin þat þe ſaid Patrikis hede ſuld be ſtrikin fra his body, for þe **Reif and Stouthe** of xx^ti oxin and ky fra Patrik Agnew, Scheref of Wigtoune, and his feruandis, vndir ſilence of nycht, &c. (*Apud Edinburghe.*)

Aug. 22, 1511.—Remiſſion to PATRICK LESLY, ſon of Andrew, for art and part of **Casting down and spuilzie of the Place of Reme**, and taking THE LAIRD OF TULYDEFF furth of the Place of Ranſtoune. (*Apud Edinburghe.*)

Oct. 15.—Precept of Remiſſion to MR WILLIAM LEVENAX OF CALY, for **Inuading and Hurting** Roger Gordoune, ſheriff in that part, who came with THE KINGIS letters to cite him. (*Apud Edinburghe.*)

Oct. 27.—Precept of Remiſſion to ROBERT GORDOUNE OF GLENNE, for **ſupplying and Assistance** afforded to his brother Alexander, Refetting him and drawing him out of the realm, as a fugitive, for the **Slaughter** of JOHN DUNBAR OF MOCHRUM. (*Apud Edinburghe.*)

Nov. 1.—Precept of Remiſſion to CUTHBERT EARL OF GLENCARNE, and five others, for art and part of the **Slaughter** of Alexander Makfarly, in Bute, &c. (*Apud Are.*)

Eo die.—Precept of Remiſſion to WILLIAM CUNYNGHAME MASTER OF GLENCARNE, and xxix others, for **Resetting** and **Intercommuning** with THE KINGS **Rebels**. (*Apud Are.*)

Nov. 19 and 28.—Reſpit maid to DONALD MAKCLAUCHRANE[3] for art and parte of þe **Slaughter** of Robert Farguſſoune of Brakanſide, and Alexander Farguſſoune, &c. To endure for 19 years, with power to þe Scheriffis of Edinburghe and Drumfreiſe to releiſche him fra þe horne, and deliver him þe wand of pece,[4] &c. (*Apud Edinburghe.*)

Jan. 26, 1511-12.—Precept of Remiſſion to GEORGE HALIBURTOUNE for art and part of the **Slaughter of William Coluile of Ochiltre**, and Richard Ruthirfurd, &c. (*Apud Edinburghe.*)

[1] The Knights Templars had their principal establishment in the Island of Rhodes. Their possessions in Scotland were considerable, but their lands were feued out to vassals. Many considerable properties are still held of the superiors of these 'Temple lands,' as they are called. [2] See the proceedings against him in Trials, I. * towards the close of the reign of King James IV. [3] *Sic.* See Jun. 3, 1512, of these extracts. [4] For explanation of this ceremony, see Nov. 18, 1511; Oct. 11, 1531, (*Notice*); and Jul. 23, 1566, (*Note.*)

Jun. 2, 1512.—A Generale Remitt of ꝑe Kingis ſpeciale grace maid to ꝑe Provest, balȝeis, conſale, and comunité of Abirdene and Inhabitantis of ꝑair landis and fredome, Remittand ꝑaim all actiones, tranſgreſſionis, crimes and offenſis quhatſumeuir, committit or done be ꝑaim before ꝑe date hereof, &c. in ꝑe forme of ꝑe Lettre grantit to ꝑe burghe of Dunde.

Jun. 3.—A Reſpitt maid, of the Kingis ſpeciale grace, to Maister Alexander Kennedy, for his treaſonable tenȝeing[1] of the Kingis subscripcioune-manuale, ſubſcriuand ane Reſpitt to Donald M^c^clauchrane,[2] for Slauchter and vꝑer crimes, of ꝑe quhilk he wes delatit. (*At Edinburghe.*)

Jun. 12.—A Lettre maid to ꝑe Inhabitantis (of) the Ilis of Bute and Cumray, and alſe to ꝑe Inhabitantis of ꝑe tovne of Rosay, remittand ꝑaim all actionis, &c. committit and done be ꝑaim ony tyme bigane, before ꝑe date hereof (Treaſone in ꝑe Kingis perſone, Murthure, Fire, and Reuiſing of women exceptit.) *At Edinburghe.*

Sept. 25.—Gift to Thomas Dunwede, ꝑe ſone and aire of vmq^le^ Thomas D. of ꝑat Ilk, of ꝑe Ward, all landis, &c. quhilk pertenit to ꝑe ſaid umq^le^ Thomas,[3] &c.

II. Illustrations of the Reign of King James IV, selected from the Accounts of the Lord High Treasurer of Scotland.

[The value, in a historical point of view, as well as the extreme curiosity, of the Accounts of the Lord High Treasurer of Scotland, is known only to the comparatively few individuals who have found leisure, perseverance, and opportunity to consult their truly remarkable contents; for hitherto no connected view of them has been made public.

In attempting a brief selection from the interesting stores of information which is to be gleaned from these Volumes, the Editor has felt it extremely difficult to refrain from the insertion of much extraneous matter of intense interest. The frequent deviations from the strict plan and spirit of this Appendix, in which he has indulged, will show the reader the value of the materials contained in the Treasurer's Accounts. It is hoped, however, that ample selections may one day be printed at the Public expense, under the Record Commission; for no private individual can ever be expected to undertake the labour and cost of such a work, which, however valuable in itself, could never be expected to defray even a moderate share of the outlays which must necessarily be expended in the publication of such a work.

To save occupying additional space, the reader is referred, generally, to the preceding Trials, which are more or less illustrated by the following Extracts. For the sake of those whose pursuits have not led them to the examination of such matters, a few brief notes are added, which, it is hoped, will prove not

[1] Counterfeiting, forging. [2] See above, Nov. 19 and 28, 1511. [3] Who was slain at the Place of Dunwedy. See this Collection of Trials, I. * 40.

unacceptable. The selections have purposely been made as diversified and entertaining as the narrow bounds of this work permit.]

1488.—ITEM, quhen þe KING com furth of **Sanct Johnston**, for a barrell of aill at þe Blakfurde, ... xij s.

Item, for carying of clathin fra **Scone**, eftir þe **Coronatioun**, . . xv s.

Aug. 5.—*Item*, to Patrik Johnſon, to **The Playaris of Lythquow**, þat **playit** to þe KING, ... v li.

Aug. 20.—*Item*, Quhen þe KING paſt to **Lanerike** to þe **Ayre**, gevin him ſelf xx^ti Vnicornis,[1] . . . . . xviij li.

Item, for a **horsse** bocht to þe KING at LANERIK,[2] . . . x merkis.

Item, þe ſamin tyme to **Johne of Schaw**[3] to ſpend at his (the King's) command, xx li.

Item, in Lanerik to **Dansaris** and **gyseris**,[4] . . . . xxxvj s.

Item, þe JUSTIS[5] coſtis, þe tyme of þe **Ayre of Lanerike**, . . lvj li. iij s.

Sep. 1.—*Item*, to **pure wyfis of Ballinereke**, þat had þare gudis tane away be JOHNE STEWART; at þe Kingis commande, thre Vnicornis, . . . ij li. xiiij s.

Sep. 3 and 6.—'*Item*, Quhen THE KING raid to þe **Ayre of Dundie**,' various coſtly dreſſes were made for him, too numerous and lengthened to admit of ſelection in this place.

Sep. 7.—*Item*, in DUNDIE, to **the King** him ſelf, . . . xxviij li.

Oct. 3.—IMPRIMIS, for ix COYT ARMOURIS to þe **Yarroldis and Purcyſantis**, price of ilk peyce, fylk, gold, ayſure, and þe makin of þaim, v li.; *ſumma* of þe ix, . . xlv li.

Item, for thre elne and d. (one half) of **varyande tarter**[6] to be STANDART to þe KING, quhen he raide to **the Mure of Glescow**, price of þe elne xviij s.; *ſumma*, . iij li. iij s.

Item, for gold, ayſure, ſiluer, and colouris til it, and wyrkin[7] of it, . vj li. xvij s.

Item, for thre vnce of ſylkis to frenȝeis[8] til it, price, . . . xiv s.

Item, pairefter for v quartaris of **tarter** to þe KINGIS BANERE, price, . xxij s.

Item, for golde, ſiluer, ayſure, and oder colouris til it, and wyrkin, . viij li. xviij s.

Item, for thre BANNARIS TO þE TRUMPATIS,[9] tarter, golde, ſiluer, and oder colouris, price of ilk peyſſe,[10] with þe makin, v li; *ſumma* of þe thre, ... xv li.

Imprimis, got for liuerayis to viij **Yensemen**[11] of þe KINGIS, agane[12] **the Coronatioun**, for xx½ elne velwos,[13] to be viij GOWNIS to þe ſaid **Yensmen**, price of þe elne iij li. v s.; *ſumma*, iij^xx vj li. xij s. vj d.

Item, for xij elne of blak ſatin, to be þame viij DOUBLETTIS, price of þe elne xxxviij s.; *ſumma*, ... xxij li. xvj s.

Item, for flocin and ſtentin[14] to þe ſamin doublettis, . . xxvj s. viij d.

Item, for v½ elne blak claitht to be viij pare of HOSE to þaim, price of þe elne xv s.; *ſumma*, ... iiij li. ij s. vj d.

Item, for viij elne of cotonyt **quhit** claitht, to lyne þe ſam hoſe, . x s. viij d.

Item, for makyne of þame in **Sanct Johnestoun**,[15] þe ſam tym, . . viij s.

[1] A gold coin first struck in the Reign of James III, which took its name from the figure of an unicorn supporting a shield with the Scottish arms. *Cardonnel* says it usually weighs 48 grains. [2] That county has long been famed for the excellent breed of its horses. [3] Of Sauchie, formerly his Keeper. [4] Morrice-dancers. The last vestige of these customs is to be found in Edinburgh, whose *Guisards* go about with masks, or '*fause faces*,' and shirts worn above their clothes, singing and asking money. The custom has almost expired, and is now entirely confined to young boys. Their Christmas carols are quite forgotten. [5] The Justice. [6] This is evidently TARTAN, which it would appear was chequered with gold, silver, azure, and other colours. [7] Working. [8] Fringes. [9] Still customary with our state-trumpets. [10] Piece. [11] Henchmen. [12] Against, preparatory to. [13] Velvet. [14] A sort of lining and buckram stuff, for stiffening the dress. [15] Perth.

APPENDIX.

Item, at *Michelmes*, agane þe **Parliament** haldin in October, *imprimis* for xiij½ elne of fusteane to be DOUBLATTIS to ix **Ueusmen**,[1] price of þe elne, iij š.; *summa*, . ij ł. vj d.

Oct. 6.—*Item*, to **Inglis Johne the Fwle**,[2] at þE KINGIS commande, thre royse nobillis,[3] v ł. viij š.

Nov. 1.—*Item*, quhen THE KING raid to the **Ayre of Lauder**, sundry dresses, &c.

Jan. 3, 1488-9.—*Item*, 'agane þe Parliament haldin eftir ȝule,' (nine Henfemen are again furnished with 'fide (*long*) gounis,' 'dowblattis,' and 'hoyse.' And they afterwards get their 'Witsonda leuerrais,' consisting of 'ȝallow dammysk doublatis,' 'Inglis grene gownis,' and 'cayrsay hoyse.' It is unnecessary to enumerate the lengthened entries, which are made at full length in the Accounts.

Feb. 11.—*Item*, to **Gentil Johne** þE INGLISE FULE, at þe Kingis commande, v royse nobillis, ... ix ł.

May 31.—*Item*, in Edinburt to gif **Joly Johne the Fule of Inglande**, þat brocht ij spanȝeallis to þE KING, ... x markis.

Item, to him, ... vj ł. xiij š. iiij d.

Jun.—*Item*, to CUNNYNGHAME **the singar**, at þe Kingis commande, a demy, xiiij š.

Jul. 1.—*Item*, to WILȝEAM SANGSTAR of Lithqow, for a **sang bwke**[4] he brocht to þE KING, be a Precept, ... x ł.

Jul. 10.—*Item*, to **Inglis Pyparis** þat come to þe Castell ȝet and playt to þE KING, xij demysse, ... viij ł. viiij š.

Aug. 4.—*Item*, for the expensis maide, at THE KINGIS commande, vpone *Deyf Lutkin*[5] and his folkis, quhen thai come first to *Stirling*, thair costis in Stirling, and thereafter in *Lythgow* and *Edinburgh*, at dyuersse tymes, and for horsse to thayme to ryd betwene, . . xij ł.

Item, for the costis maid in Edinburghe vpon xxxvj of his folkis that wes takin in *Leyth*, ay quhill thai wer justifeit,[6] . . . . . xxxvj ł.

Item, to the famin **Deusse menne**,[7] at thair way-passing be THE KINGIS commande, ij ł. viij š.

Aug. 31.—*Item*, to PATRIK JOHNSON and his fallowis þat **playit a play**[8] to þE KING in Lythqw,[9] . . . . . iij ł. xij š.

Sep. 3.—*Item*, to **Gentil Johne**, þE INGLISE FULE, þat brocht japis[10] to þE KING, at his commande, ... x ł.

Jan. 1, 1489-90.—*Item*, to þE KING, in his bed,[11] in þe mornyng (**New Yeir**) x angellis, xij ł.

Jan. 6.—*Item*, on UPHALY DA[12] to þE KINGIS offrande,[13] . . . xviij š.

Item, to þe **King of Bene**,[14] þe same da, ... xviij š.

Feb. 22.—*Item*, for Spardour[15] to passe to **Jedwort**, to gar provyde for THE JUSTIS[16] costis, again[17] **the Ayre**, ... x š.

Item, to Ker Messinger to passe to **Lauerik**, for to gar provyd for THE JUSTIS to **the Ayre**, v š.

[1] They were also furnished with 'Galbertis' and 'hose.' [2] English John, the fool, or jester. He seems to have been a favourite. [3] Rose Nobles, English gold coins, of the value of 36s. each, of the money then current in Scotland. [4] Of what value would not this 'SANG BWKE' be now considered! [5] 1489, Jun. 26, AN EMBASSY was sent by JAMES IV to DENMARK, for a renewal of the ancient alliance; and also claiming damages for injuries committed by 'LUTHKIN MERE (Danish Pirate) and his complices, within our sonerane lordis Watter.'—*Acta Parl.* [6] Executed. [7] An Embassy had been returned by the KING OF DENMARK, accompanied by a number of the Pirates, who were delivered up to be executed. It does not appear what terms were made. [8] There are many instances in the same Record of plays having been performed before THE KING and Court, at this very early period. [9] At this time THE SPANISH AMBASSADOR was resident at Court; and it is probable that there was another Embassy from ENGLAND. [10] Monkeys, apes. It is proper, however, to remark, that the word likewise signifies *trinkets* or *toys*; and also *jests* or *drolleries*. THE KING had a considerable collection of wild beasts presented to him at different times, and probably kept a regular MENAGERIE for his amusement: A former gift with which *Gentill John* had been entrusted was two *spaniels*. [11] There was regularly an offering of this sort each NEW YEAR'S morning, and commonly a 'caudill.' [12] EPIPHANY, the Manifestation of our Saviour to the Gentiles; TWELFTH-DAY. [13] Offering. [14] This personage was THE KING elected on Twelfth-night, being the individual in whose portion of the cake a *Bean* was found. The same practice still prevails in England, but a ring is now used in place of the bean. See *Brand's* Popular Superstitions, (*Ellis's* Edit.) *Dr Jamieson's* Dict. v. *Bane*, &c. [15] One of the King's Messengers-at-Arms. [16] Justiciar's expenses. [17] Against; preparatory to.

Feb. 27.—*Item*, to THE KING, in Edinburght, or[1] THE LORDIS raide to **the Ayre of Lanerik**, ... xviij li.

Jul. 17, 1490.—*Item*, on Sonday, in Edinburght, in þe THE[s] (Thesauraris) INNIS quhen þe KING saw þe **Procession**, til[2] him iiij Vnicornis, ... iiij li. xij s.

Item, on Monunda, þe morne efter, send til him with þe PROVEST OF MEFFANE[3] xvj Vnicornis, ... xiiij li. viij s.

Jul. 23.—*Item*, on Fryda, in Dunde, to þe KING, to gif **the Fransche menne that playit**, xx[ti] Unicornis, ... xviij li.

Nov. 22.—*Item*, to *Ormond* to passe in THE NORTHLAND to proclame **the Ayris**, iij li.

Item, to *Daue Strathawching*, JUSTICE CLERK, to passe to reslave the dittay thare, iiij li.

Jan. 1, 1490-1.—*Item*, to **Blind Harry**[4] (on 'New Yere da'), . . xviij s.

Jan. 2.—*Item*, for ij elne grene cayrsay,[5] and iij elne cotton quhyt to **Sande Fwle**, till a coyt,[6] and þe makine of it, ... xix s.

Apr. 5, 1491.—*Item*, to WALLASSE[7] **þat tellis þe geistis**[8] to þe KING, . xviij s.

Apr. 14.—*Item*, to **Dominico**,[9] to gif þe KING leve to lat him blud, . xviij s.

Apr. 15.—*Item*, til a man þat come to Lythgow to lat þe King blud and did it nocht, xviij s.

Jul. 16.—*Item*, to þe **Spanzeartis** þat DANSYT before þe KING on þe cawsay of Edinburghe before þe THE[s]. lwgeing, xxx Unicornis, ... xxvij li.

Aug. 30.—*Item*, to **the Hangmane of Edinburghe**, to cum to LYTHGOW to hang a *Theif of Levin*, quhilk he had[10] efter to Edinburght, ... v s.

Oct. 24.—*Item*, til a fallow brocht þe KING **ij wolfis**, in Lythgow, . . v s

Item, on *Sanct Johnnis daj*, to **Gysaris** þat danfit to þe KING,[11] . . ----

Jul. 24, 1494.—*Item*, to passe to summond **Sir Johne of þe Illis**[12] of TRESSONE in **Kintyre**; and for þe expensis of þe witnes, ... vj li. xiij s. iiij d.

Item, to speid þe ERSE LADE,[13] to by him claithis, . . . xviij s.

Nov. 8.—*Item*, to pass fra **Aberdene** with þe extractis of the **Airis** to MAKINTOSCHE, and ROOSE *of Ballochgowne*, and to M[c]KYE, ... xx s.

Item, to pass to **Bute** to bring þe witnes of þe execution of **Sir Johne of Ilis** summondis, xl s.

Dec. 12, 1496.—*Item*, to WATSCHOD þe TALE TELLARE and WIDDERSPUNE þe TALE TELLARE, togidder, ... xviij s.

Mar. 31, 1497.—*Item*, gevin to þe **Abbot of Curessoun**, for his reward, at þe KINGIS command, ... v li. viij s.

Apr. 10.—*Item*, to Johne Hert, for bering a pare of Monicordis[14] of þe KINGIS fra Abirdene to Striuelin, ... ix s.

Apr. 19.—*Item*, to the tua fithelaris þat sang **Graysteil**[15] to ȝe KING, . . ix s.

Jun. 8.—*Item*, to þe MAISTER OF HOMES man, þat brocht titbingis of **the Batel of Dunse**, v s.

Item, þat samin day to Stevin Nesbit, *Lang Patrik Home's* man, for siclike tithingis bringing to þe KING, ... xlij s.

Jul. 6.—A number of Payments at and previous to this date were made to **the Duke of Ȝork** and **the Duches of Ȝork** (PERKIN WARBECK.)[16] Various payments also regarding MONSSE, (**Mons Meg.**)[17]

[1] Before, previous to, *ere*. [2] Given to. [3] Methven. [4] BLIND HARRY, the Minstrel, had a regular pension out of the King's Privy purse. This notice of a handsel is inserted to show the King was not unmindful of the Minstrel. [5] Kersey. [6] These coats were party-coloured, green and white, or black and white, &c. [7] The same day another payment of xviij s. is made to BLIND HARRY. [8] Jests, tales, L. *Gesta*. [9] He was one of the Minstrels. [10] Carried. [11] About this time there are payments for 'playing swerdis,' 'gluves,' 'justing speris,' &c. [12] SIR JOHN CANOCHSONE of Isla and Kintyre, Lord of Glens in Ireland, who, with three of his younger sons, were executed in Edinburgh, 1500. From him descended the Earls of Antrim, &c. Reference may be made to *Mr Gregory's* work on the Isles, in explanation of this and of all other matters connected with THE ISLES. [13] Highland lad. [14] A one stringed instrument. [15] An ancient Popular Romance. The King gave great encouragement to Tale-Tellers and Minstrels, who perpetually appear in every part of the Accounts. [16] See *Mr Tytler's* History of Scotland for the most authentic account of King James IV.'s proceedings in relation to that impostor. [17] See *Transactions of the Society of Scottish Antiquaries*.

Aug. 7.—*Item*, giffen to þe KING to play at þe Cartis with þe SPANȝARTIS, at **Noreme**,[1] xx Vnicornis, ... xviij li.

Aug. 15.—*Item*, to Robin Kere, to furniſſe þe **gunnis** þat ȝeid[2] with þe KING to þe **Raid at Aytoune**, x Vnicornis, and xiij li. xij s. . . . . xxj li. xij s.

Aug. 21.—*Item*, þat ſamyn nycht, to Dandé Doule,[3] be THE KINGIS command, to walk[4] one þe Sandis, for to wait one þe **Inglise schippes**, ... xviij s.

Aug. 24.—*Item*, to Johnſtoune, þe Chamerlanis man, þat brocht tithingis of **the skaling**[5] **of the Inglismen**, ... iij s.

Sept. 1.—*Item*, to a woman with þe GRANTGORE[6] þair (at St John's Kirk of Dalrye, when THE KING[7] was on a **Pilgrimage to 'Quhithirne'**), ... iij s. vj d.

Sept. 18.—*Item*, to þe werkmen (of Dunbar) to bring hame **Mouse** and þe ophir **Artailzeri**, to gide þaim fra Dalketh, ... xxij s.

Sept. 23.—*Item*, (in Striuilin) giffin be þe KINGIS (command) to **the Duc of Somerside**, x Vnicornis, ... ix li.

Dec. 10.—*Item*, to Dauid Prat þe **Payntour**,[8] in compleit payment of þe ALTAR PAYNTING,[9] as reſting awand to him, ... ij li. ix s.

Mar. 10, 1501.—*Item*, to Duncane Riche, to pass to þe MAISTER OF ANGUSS with þe **Portowse**[10] **of Eskdale**, ... vj s.

Apr. 10.—*Item*, giffin to þe **blind wif** þat hed her eyne ſchorne,[11] . . xiij s.

May 23.—*Item*, to **Maister William Dunbar**,[12] in his PENSIOUN of Martymes bipaſt, be command of ane Precept,[13] . . . . . v li.

Dec. 28.—*Item*, be þe Kingis command, to **Johne Anderson, that wantis feit and handis**, xiiij s.

Item, þe ſamyn nycht to þe KING, to play at þe bylis with Johne Anderſone, þat wantis feit and handis,[14] . . . . . xiiij s.

Feb. 5, 1502-3.—*Item*, to ane man to pas to þe ERLE OF ATHOLE with þe KINGIS writings, to ſtop the halding of his **Air** befor þe **Kingis Justice Air**, ... vj s.

Jun. 26, 1503.—*Item*, to **Robin Hude** of PERTH, be THE KINGIS command, iiij Fr. cr., lvj s.

Aug. 6.—*Item*, to Johne Auchlek, for gilting of þe QUENIS bukkilles, and boſes of þe QUENIS bridill and harneſing þat wes **brynt in Dalketh**, ... iij li. ij s.

Item, to Johne Auchlek, goldſmyth, to gilt ane pair of ſpuris for þe KING, xv s. 6 d.

Item, for to gilt þe **Kingis cepture (Sceptre)**, ij Hary Nobles, . . iij li. ij s.

Aug. 7.—*Item*, by the Kingis commande, to Sir Johne Hume, to **banket** INGLISMEN, v li.

Aug. 8.—*Item*, þe viij day of Auguſt þe KING was **spousit**,[15] and giffin to him, quhilk he laid one þe buke, vj demyis and v s. quhit ſiluer, ... iiij li. v s.

[1] At this time THE KING was at THE SIEGE OF NORHAM. A number of payments occur for carriage of guns, 'gunstanis,' 'ledin pellokis,' 'irne pellokis' (cannon-balls), &c. [2] Went. [3] A great favourite of the King's, who seems to have encouraged JAMES IV in HORSE-RACING, betting, &c. [4] Watch; *waulk*. [5] Dispersion. [6] *Lues Venerea*. On Oct. 2, following, there is another payment 'to thaim that bed the grantgore in Linlithquho, and many others occur of the same description. [7] JAMES IV. returned by 'Kyle,' 'Kilmarno,' and 'Glasgo,' to 'Striuelin.' [8] There are numerous payments to him, both before and after this date. [9] In the CHAPEL ROYAL at Stirling. [10] Porteons-Roll. [11] This was likely one of JAMES's attempts in leech-craft, to couch the eyes for cataract. The phraseology is most ominous of 'evil success.' [12] The Poet. The frequent payments to POETS, MINSTRELS, &c. &c. in almost every page of these Accounts, abundantly refutes the calumnious charge brought against King James IV, for having neglected DUNBAR and others. His expenditure, on the contrary, was *extremely lavish*; and considering the state of his finances, may safely be termed *prodigal*. A slight inspection of these interesting accounts will more than satisfy the most prejudiced reader, that such reports have arisen solely from idle surmises. [13] On Dec. 20, another quarter's pension is entered, 'quhilk was peyit to him *efter he com furth of* INGLAND.' [14] This is one, out of hundreds of similar instances of the King's urbanity. JOHNE, however, seems to have been more than match for his Majesty. [15] This unquestionably fixes the day of the Marriage; which, with the total disregard to Chronological detail which disfigures the pages of our earlier Historians, has been hitherto doubtful. The Editor has, perhaps, drawn too largely on the entries under this date, but their extreme curiosity will amply plead his apology.

Item, to put in his **caudill** and ꝑe QUENIS **caudill**,[1] ij Fr. cr. . . xxviiij ſ.

Item, ꝑat ſamyne day to ꝑe **Heraldis**, be THE KINGIS commande, xl Fr. cr. xxviij ti.

Aug. 9.—*Item*, ꝑe ix day of Auguſt, efter **the Mariage**,[2] for xv elne claith of gold to **the Comites of Surry**, OF INGLAND, quhen ſcho and her dochter LADY GRAY clippit THE KINGIS berde, ilk elne xxij ti. . . . . iij^{c}xxx ti.

Item, for xv elne of damas gold, be THE KINGIS commande, to ꝑe ſaid **Lady Gray** OF INGLAND, ilk elne xij ti. . . . . J^{c}lxxx ti.

Item, for v elne Inglis claith to WALTER CHEPMAN,[3] ilk elne xxxiiij ſ. . viij ti. x ſ.

Aug. 10.—*Item*, to MAIST^{R}. JAMES HENRISOUNIS[4] man, of bridil ſiluer[5] of ANE HORS giffin for THE QUENE, for hir hors were **brynt in Dalkeyth**, ... xiiij ſ.

Item, to the BISCHOP OF GLASGOIS man of bridal ſiluer, ſiclyke, . . xiiij ſ.

Item, to LORD AVENDALES man of bridal ſilver, ſiclike, . . . xiiij ſ.

Item, to ERLE OF ERGILES man of bridil ſilver of ane hors giffin to ꝑe KING, xiiij ſ.

Item, to the man ꝑat brocht THE HORS fra **the King of Ingland**, v Fr. cr. iij t. x ſ.

Item, to ꝑe carturis of Leith brocht ꝑe **Quenis gere**[6] to Edinburghe fra Dalketh, xxij cartis, ilk cart vj ſ. . . . . vj ti. xij ſ.

Item, be ꝑe KINGIS command, giffin to *James Hog* for dighting of ꝑe ſuordis, ꝑat left[7] at ꝑe **Turnaying** of FASTINGIS EVIN, and for dighting of barnes, . . . xxiiij ſ.

Item, for xxiiij elne hollande claith giffin to ꝑe ARCHBISCHOP OF ȜORK,[8] be ꝑe Kingis command, ilk elne x ſ. . . . . xij ti.

Aug. 13.—*Item*, to viij **Inglis Menstralis**, be ꝑe KINGIS command, xl Fr. cr. xxviij t.

Item, to ꝑe **Trumpetis of Ingland**, xl Fr. cr. . . . . xxviij t.

Item, to ꝑe **Inglise Spelair** that playit the ſuperfalt,[9] v Fr. cr. . . iij t. xſ.

Item, to ꝑe QUENIS foure **Menstrales** ꝑat remanit with her, x Fr. cr. . . vij t.

Item, to ꝑe INGLISE **Menstrale** ꝑat paſſit away, and THE KING ſend for him agane, vij t.

Item, to ꝑe THRE **Menstrales of Berwilk**, ix Fr. cr. . . . vj t. vj ſ.

Item, to ꝑe **Bere ledair**[10] of Ingland, viij Fr. cr. . . . . v t. xii ſ.

Item, to ꝑe ERLE OF OXFURDIS tua **Menstralys**, . . . v t. xij ſ.

Item, to **the Thre Gysaris** that PLAYIT ꝑe PLAY, xxx Fr. cr. . . xxi t.

Item, to **the Fibe Lowd Menstrales**, xl Fr. cr. . . . . xxviij t.

Item, to **the Portair of Ingland**, to by him ane hors, viij Fr. cr. . v t. xij ſ.

Item, to ꝑe **Cofferare of England**, lxxx Scottis Ridaris, . . . lxxxxij t.

Item, for ane cowp of ſiluer ouergilt to him,[11] . . . . . x t.

Aug. 21.—*Item*, payit to John Mayne, bowar, for lx **justing**[12] **speris** at ꝑe **Mariage**, ilk pece iij ſ. . . . . ix t.

[1] Invariably practised at Marriages and Christenings, 'at heving the barne.' The Accounts abound with such offerings in every expedition of James IV. [2] The enquiring reader is referred for an extremely interesting and minute contemporaneous account of THE MARRIAGE OF JAMES IV, and of the Journey of his QUEEN, MARGARET, daughter of HENRY VII of England, to Scotland, by JOHN YOUNG, *Somerset Herald*, who was an eyewitness of the whole proceedings. *Leland's Collectanea*, IV, 258.—See also *Fabian's* Chronicles, II, 232. *Hall's* Chron. *Lesley*, *Buchanan*, and *Drummond*. The forthcoming volume of *Mr Tytler's* History (V.), will doubtlessly give the whole details, in his usual masterly style. [3] This is selected for the purpose of remarking, that THE KING was by no means negligent in the encouragement of the arts CHEPMAN was an extensive merchant and burgess of Edinburgh, as well as THE EARLIEST SCOTTISH PRINTER. It is highly probable, from the frequent occurrence of his name, that he held some respectable Office in the Royal Household. The list from which this dress is selected, is titled '*Pro Sartoribus*.' [4] Afterwards Sir James Henderson of Fordell, King's Advocate, &c. [5] Bridle money. [6] In this sense, the *gear* means her baggage, &c. [7] *Lasted*; remained. [8] THOMAS SAVAGE, Canon of York and Dean of the Chapel Royal, was consecrated Bishop of Rochester in 1492. In 1496 he was translated to the See of London, and in 1501 to York. He was accompanied by THE BISHOP OF DURHAM, *William Sever*, Abbot of St Mary's, York, who had been consecrated Bishop of Carlisle in 1496, and was, in 1502, translated to the See of Durham. [9] A great many payments are made to this rope-dancer and his man, who were pensioned by the King. [10] Bear-leader. [11] These large extracts, it is hoped, may suffice to excite the reader's curiosity to investigate this invaluable Record. [12] Tilting, jousting.

APPENDIX.

Item, ſex ſcore ſperis for **Turnaying** þe ſaid tyme, ilk pece iij ſ. . . xviij ł.

Item, for **ane blak burdoune ſpere**, ... v ſ.

Item, to Robert, Cultelar, for xxiiij **ſuordis**, xlj lang and xij ſchort ſuordis, þe ſaid tyme, for **Turnaying**, ilk pece x ſ. . . . . xij ł.

Item, for xxx **ſpere hedis**, þe ſaid tyme, ... xxx ſ.

Item, for ſevin ſcore virales and diamandis for **ſperis**, ilk pece vj d. . iij ł. x ſ.

Aug. 28.—*Item*, payit to Johne of Burgownis wif, for iiij elne pleſance, and tua elne double kirſp, quhilk wes tane to þe grathing of þe MADIN, þe day þe QUENE come in Edinburghe,[1] xiiij ſ.

Sep. 1.—*Item*, payit to James (Dog) to cartaris and pynouris, for carying of beddis-clathes and hingingis fra þe CASTELL to þe ABBAY, and othir places, ... xxvj ſ.

Item, to þe ſaid James he laid doune for ſtray to beddis, and for ſtrowing of þe ABBAY CLOSE with girſe,[2] þe tyme of þe MARIAGE, ... xxxv ſ.

Item, to þe ſaid James he gaif, at diuerſe tymes, for xlij turſe[3] of bent, ilk turſe iij ſ. vj ł. vj ſ.

Sep. 3.—*Item*, for vij laid[4] of bent, ... xxj ſ.

Sep. 4 —*Item*, ane pair of tympanes[5] to þe KING, ... xxiiij ſ.

Sep. 11.—*Item*, þat ſamyn day be þe KINGIS command to þe ITALIENE LASE þat danſit, xxx Fr. cr. . . . . xxi ł.

Item, for v elne blew damas, to be ane goune to hir, be þe KINGIS command, ilk elne xxiiij ſ. vj ł.

Sep. 12.—*Item*, þe xij day of September, for iij½ elne rede taffetj to be **cote armouris to the Heraldis**, the tyme of **the Mariage**, ilk elne xvj ſ. . . . . lvj ſ.

Item, for l buke of gold, bocht in Dunde be James Rollok, to þe ſaid COTE ARMOURIS, v ł. v ſ.

Item, for making of þe ſaid COTE ARMOURIS, ... viij ł.

Sept. 19.—*Item*, be þe KINGIS command, to þe **Inglise Payntour**[6] quhilk brocht þe figuris of þe **King, Queen, and Prince of Ingland**, and of **our Quene**,[7] xx fr. cr. (French Crowns) xiiij ł.

Item, to ane man to pas to Streuelin for **batale ayes** and **ſuordis**, and to cum agane þat nycht, ix ſ.

Oct. 24.—*Item*, to the **Heraldis** for pair compoſicionne of þe **eſchet of þe Barres** quhen CRISTOFERE TAILȝOUR faught, ... vj ł. xiij ſ. iiij d.

Oct. 31.—*Item*, in **Couper of Fiſſ**, THE LORDIS[8] being at **the Juſtice Air** þair, to ane maue to pas to Lynlithqw to þe KING with þe Lordis myndis anent **the Earle of Rothes**, vij ſ.

Item, do. 'anent **the Lord Lindesay**,' . . . . . vj ſ.

Nov. 22.—*Item*, to Robert, Cultellare, for xvj **ſuordis for turnaying**, ilk pece x ſ viii ł.

Item, to Muncur, armorar, for ane paire of cuſchingis, braſes, and mending of þe KINGIS harnes, at **þe Tournaying**, v Fr. cr. . . . . iij ł. x ſ.

Item, to Johne Mayne, boware,[9] for xxvij **ſperis**, ... liiij ſ.

Item, for thre **red ſperis**,[10] . . . . . ix ſ.

Jan. 9, 1503-4.—*Item*, þat ſamyne day, be þe KINGIS command to **Schir Johne Kruſegrabe**, INGLISEMAN, xx Fr. cr. . . . . xiiij ł.

Jan. 11.—*Item*, for iij elne tanne dameſe to *Sir Johne Muſegrave*, to ane doublet, ilk elne xxvj ſ. . . . . iij ł. xviij ſ.

Jan. 13.—*Item*, for xiij day of Januar to Maiſter Thomas Dikſoun, for þe expenſe maid on þe

[1] See YOUNG's Account, in *Leland's Coll.*, before referred to. [2] Dried meadow hay, or gorse. In numerous other instances it is entered as 'rasches to the chalmeris,' viz. *rushes*. [3] Trusses, bundles. [4] Loads. [5] Timbrels; perhaps a pair of Kettle-drums. King James IV was an expert musician, and there are frequent entries of various kinds of instruments having been purchased for his own use. [6] In *Walpole's* Catalogue of Painters, an artist of the name of JOHN MAYNARD is stated to have assisted *Toregiano*, as a Painter, in the planning of the Monument to be erected for Henry VII. Perhaps the Seal-Engraver of Henry VIII, JOHN DE MAYNE, was the same individual. The only Painter who is said by *Walpole* to have been employed by Henry VII, was *John Mabuse*, or *Mabuesius*; but it is by no means likely that he could be the person. MAYNARD, therefore, it is thought, was the Painter who accompanied the Marriage train, in charge of the Portraits presented by THE KING OF ENGLAND to his son-in-law. So far as the Editor knows, there are now no traces of his works in Scotland. [7] It is probable that this PAINTER remained in Scotland in full employment for two months, for under date Nov. 10, 1503, occurs this entry of a *propyne* to 'MYNOUR YE INGLISE PAYNTOUR, *quhen he passit away*, 1 Fr. cr., xxx li.' [8] Privy Council. [9] Bow-maker. [10] The above are given as specimens of the entries of this sort, which are very numerous.

TURSSING of **the Beschop of Sanctandrois**[1] to SANCTANDROIS, to be heryit; in wax, in fraucht,[2] and all opir expenſe, ... xxvj ti. xj s.

Jan. 18.—*Item*, to Schir Thomas Galbreth, in part of payment of þe making of þE ARMES ABOUE þE ȝET,[3] x Fr. cr. . . . . vij li.

Item, to Johne Keyre meſſinger, John Taires ȝeman, Gawin Bailȝe and Gareoch Purſewant, paſſand in diuerſe partis with Letteris for þe BESCHOP OF SANCTANDROIS **Tyrment**,[4] v li. ij s. iiij d.

Jan. 25.—*Item*, þat ſamyne day, in Edinburghe, payit to William Foular for TORCHES and PREKATIS,[5] and ane coffer to turſe þe PRECATIS in to Sanctandrois, for **the Archbeschopes Tyrment**, ... lxix li. vij s. vi d.

Item, for iiij'iij doſane ARMES[6] for þe ſaid TYRMENT, . . xxviij li. ij s.

Jan. 29.—*Item*, þe xxix day of Januar, in Sanctandrois, to **The Preistis** for MY LORD OF SANCTANDROIS TYRMENT, ... lxxxxij li. xviij s.

Item, to Sr Andro Makbrek to PUR FOLKIS þair, þat day, . . . xx li.

Item, to þe ſaid Sr Andro, to þE GRAY FRIERS þair, . . . xl s.

Item, þat ſamyne day to **the Gray Freris of Sanctandrois**, be THE KINGIS command, for þE ARCHDENE OF SANCTANDROIS, ... iij li.

Jan. 30.—*Item*, to Duncane Stewartis broder, quhilk come to Faukland and warnit THE KING of certane **men at the horne** ſuld be in SANCT JOHNNESTOUN (Perth), . . xxviij s.

Item, to viij men, to þair expenſe, to ride to Sanct Johnneſtoune to tak þe ſaid perſonis; and paireftir wes ſtoppit be THE KING,[7] . . . . . x s.

Feb. 3.—*Item*, þat ſamyne day, be þe Kingis command, to JOHNE BARBOURE[8] with þe Beſchop of Sanctandrois, x Fr. cr. . . . . vij li.

Feb. 9.—*Item*, to a cremare[9] for ane Pſalter, thre compaſes, ane hammer, ane turcaſe to tak out teith,[10] and tua pair bedis to þE KING,[11] . . . . . vij s. viij d.

Item, to Sr Andro Makbrek to pay for **the Quene of Inglandis** DIRIGE and SAULE-MESS, vj li.

Feb. 11.—*Item*, to þe man ſuld mak **aurum potabile**, be the KINGIS commands,[12] xxviij s.

Mar. 11.—*Item*, þat ſamyne day, giffin for tua Hary Nobles to Gilt the Kingis ceptur (ſceptre) again the Parliament, ilk pece xxxij s. . . . . iij li. iiij s.

Mar. 17.—*Item*, to Dauid Tempilman, Meſſingeire, to pas to Neubotill, Melroſe, Driburgh, Jedworth, and Kelſo, to ger do **the Quene of Inglandis** DIRIGEE, . . vj s. viij d.

Apr. 14.—*Item*, to ane callit Stratoune to pas in **the Ilis**, with THE KINGIS writingis to MAKANE, ... xlij s.

Apr. 17, 1504.—*Item*, to Dauid Tempilman to pas to warne the perſounis þat wer fouirteis for **the Periotis**, to enter þaim to ane aſſignit day, and to ſummond ane ASSISE to þe ſaid day, xv s. vj d.

Apr. 18.—*Item*, in Dumbertane to MARTIN THE FRANCHMAN for x twne of wyne to þe Schippes vittaling in[13] **the Ilis**,[14] ilk twne, ... lxx li.

Item, to þe ſaid MARTIN, for þe fraucht of his Schip, and marinaris hyris, payit to him at diuerſe tymes for hir paſſage in **the Ilis**, ... lxxij li.

[1] JAMES, DUKE OF ROSS, the King's younger brother, second lawful son of King James III. For a character of this Prelate, see *Crawford's* Lives of the Chancellors, p. 58. *Spotswood's* Church Hist. p. 61. *Wood's* Peerage, &c.
[2] Freight; carriage. [3] Armorial bearings, FUNERAL ESCUTCHEON and achievements. [4] Interment.
[5] Torches, and wax tapers. O. E. *Pryket.* [6] It was customary to have small banners and armorial bearings carried in procession, and fixed in the Church and around the funeral hearse and trophies. No less than 436 of these were used on this solemn occasion. [7] Doubtless out of a regard to public decency, on account of his brother's Funeral obsequies. [8] Probably a domestic. [9] A small-ware merchant. [10] Among other accomplishments, the King had considerable skill in surgery; and the Treasurer's Books amply testify that he often exercised his talents as a dentist. From the entries, it is obvious that he had also amused himself with carpenter work, &c. His ceaseless activity, and the dispatch he used in moving from place to place, but for such documents, would never have been credited. [11] This entry has, like many others, been selected to show the variety of these Accounts. Numerous similar entries occur. [12] At this period JAMES IV was duped by an ALCHEMIST, who fleeced him for some years, in his search for the PHILOSOPHER'S STONE, and the 'QUINTA ESSENCIA.' It is unnecessary to particularize farther in this place. [13] Destined for. [14] A great may entries follow, for the expenses of victualling the ships, gunpowder, 'artailzerie,' 'gun-stanis,' &c. 'for Assegeing of Carnyburghe,' &c. THE KING often went on board to inspect the preparations. *Lord Setoune* got L.200 for THE EGILL, one of the King's ships.

APPENDIX.

Apr. 27.—*Item*, to **the Abbot of Unreasoune** of ÞE PYNOURIS OF LEITH, be the Kingis command, ... v š.

Apr. 30.—*Item*, for iiij rubbovris to put powder in to pas in ÞE ILIS, for ASSEGEING OF CARNEBURGH, ... viij š.

May 2.—*Item*, to Dandé Doule, quhilk he wan fra ÞE KING on **hors-rynnyng**,[1] xxviij š.

Item, to ÞE KING himſelf in ane new purſe, xxx Fr. cr. and xl š. quhit ſiluer, xxiij ti.

May 4.—*Item*, to Watte Trumbull to ſend for GRAY GRETNO to rynne, . ix š.

May 9.—*Item*, to ÞE BARBOUR helit Paules hed, quhen he wes hurt with **the Abbot of Unreasoune**, ... xiiij š.

May 18.—*Item*, in Dumbartane to SR ANDRO WODE, that he laid doune for vj twne of wyne maire[2] to þe vittales of ÞE SCHIPPIS in **the Ilis**,[3] . . . . . xlij ti.

May 19.—*Item*, to þe Maiſter Cuke that he had laid doune[4] for brede-baking, chekinnis, caponis, and velis baking, quhilk wer ſend to **the Erle of Aranis schip**, and for carying of þaim, iij ti. xj š. vj d.

Jun. 10.—*Item*, þat day payit to James Dog that he laid doune for girſe[5] one **Corpus Christi day, at the Play**,[6] to ÞE KINGIS and QUENIS chamers,[7] . . . iij š. iiij d.

Jun. 17.—*Item*, payit to William Cunnynghame, burges of Drumfreiſe, quhilk he laid doune, be THE KINGIS command, for vj twne of WYNE giffin be þe King to **Lord Darre**, ilk twne vij ti., xlij ti.

Jun. 21.—*Item*, payit to LORD GRAY,[8] to his expenſe cumand to Edr to hald ane Court of Juſticiary one ÞE HERIOTIS, for **Slaughter of the Lard of Fentoune**, . . vj ti.

Jun. 22.—*Item*, in Hammiltoune, to SR ANDRO WOD to **the Marineris** þat was in **the Ilis**, þair xv dayis wage, þat þa wantit, ... xxxviij ti. xiiij š.

Item, þat ſamyn tyme to ÞE BESCHOP OF ERGILE that he laid doune for WYNE, quhilk wes ſpendit oure[9] þe wyne bocht of before, ... v ti.

Jun. 24.—*Item*, to Johne Keir, meſſinger, to pas to SANQUHAIR, with the Precept for þe Proclamacioune of the **Justice Aire at Drumfreiſe**, ... vij š.

Item, to Bute Purſewant to pas to ÞE KING OF INGLAND with writingis, for keping of ÞE BORDOURIS agane **the Raid of Eskdale**, ... xxviij ti.

Jul. 1.—*Item*, to James Mylſone and Alexander Harper, (two of the King's Minſtrels) to fee þaim hors to pas to þe **Raid of Eskdale**, ... xiiij š.

Aug. 2.—*Item*, for tua hidis to be jakkis to Thomas Boſwell and Watte Trumbull (Minſtrels), agane **the Raid of Eskdale**, ... lvj š.

Item, to LANG JOK *of the keehin*, þat wes hurt in **the Ilis**, be THE KINGIS command, xiiij š.

Item, to James Hog ('TALE-TELLAR') to fee tua hors in **Eskdale** with THE KINGIS harnes, in part payment, ... xxviij š.

Item, for FOURE CORSE-BOWIS and ane hundreth GANȜEIS,[10] agane **the Raid of Eskdale**, xij ti.

Item, to Robert Herwort[11] for ſtringing of þaim, ... xiiij š.

Aug. 8.—*Item*, payit for v pair ſpuris to ÞE KING, tua paire ſterap irnis, xij riding girthis, xij houſing girthis, iiij hors collaris, x hors houſes, and for hors ſcboing, Sr Adam Hepburne grantand the ſamyne, ... v ti. x d.

Aug. 8.—*Item*, to ane man of SIR ALEXANDER JARDINIS, that come to þe KING with thingis of þe taking of **Gib Lindesay** and his complicis, ... xiiij š.

[1] This is perhaps the earliest notice of HORSE-RACING in Britain, and *betting* on the event of the race, as an amusement. On Apr. 15, preceding, there is this payment,—'ITEM, to Thomas Bosuell, he laid donne in LEITH to the wife of THE KINGIS INNIS, and to THE BOY *rane the Kingis hors*, xviij s.' [2] More; farther; in addition to the former supply. [3] 'And sa payit xvj twne of wyne,' is marked below this article. See Apr. 18. [4] Expended. [5] Meadow hay, &c. [6] Probably a MYSTERY or MORALITY applicable to the day. [7] The same day THE KING gets 30 arrows, 18 bowstrings, and an arrow-case; on Jun. 21, 'ane arrow bag of ane brok (*badger*) skin, xiiij s.;' and on Aug. 2, 'tua dosane arrowes and bowstringis, xxiiij s.' [8] The Justice-General. [9] Over and above. [10] Bolts or *quarrel*-bolts; arrows for the crossbow, termed quarrells from O. Fr. *quadrelle*, which took the name from the quadrangular form of the point. [11] The King's gunner.

Item, to Johne Forman he laid doune for mending of ꝑe Kingis lectdecamp,[1] . iiij ſ.

Item, to ane man quhilk tuke tua Theffis in Menteth, and brocht to Edinburghe; quhilk wer juſtifyit, viij Fr. cr., ... v ti. xij ſ.

Aug. 9.—*Item*, for mailȝeis[2] to ꝑe Kingis leg ſplentis,[3] . . . xx ſ.

Item, for ane pair leg ſplentis to ꝑe King, ... xlij ſ.

Item, for tua gret buklaris bocht to ꝑe King agane ꝑe Raid of Eskdale, . xxviij ſ.

Item, to Martin Bailȝe of ꝑe hors ſchoing, be the Kingis command, . . v ti.

Item, to ꝑe Armoraris ꝑat brocht ꝑe Kingis leg ſplentis, of drink-ſiluer, . . ij ſ.

Item, to Sir Johne Home, ... x ti.

Item, to Andro Stewart, ꝑe Duke of Albanyis sone, vi Fr. cr. . iiij ti. iiij ſ.

Aug. 13.—*Item*, in Drumfreſe, to Menstrales to ſe paim horſis to Eskdale, and ſyne agane to Drumfreiſe, ... xlij ſ.

Aug. 14.—*Item*, to ꝑe Pyparis of Drumfriſe, ... xiiij ſ.

Aug. 17.—*Item*, to ꝑe man hangit the Thebis at the Hullirbuſs, . . xiiij ſ.

Item, for ane raip[4] to hing ꝑaim in, ... viij d.

Aug. 18.—*Item*, to ane gyde[5] to pas with Sir Thomas Alane to Edinburghe for wyne to ꝑe King, in Eskdale, ... ix ſ.

Item, payit to James Redeheuche he gaif to an Inglife man, to pas to Lord Dacre for prouiſione, in Canonby, ... xv ſ. vj d.

Aug. 19.—*Item*, to ane Inglifeman brocht ane deire to ꝑe King fra Lord Dacre, xxviij ſ.

Item, to ꝑe Priour of Carliles tua men that brocht preſent and mavaſy[6] fra ꝑe ſaid Priour to ꝑe King, ... lvj ſ.

Item, to tua wiffis brocht aill to ꝑe King, fra Sir Johne Musgrave, . . xxviij ſ.

Aug. 20.—*Item*, to Hew Munreif that come to Canonby fra ꝑe Quene,[7] . lvj ſ.

Item, to Sir Johne Musgraves man that blew the hunting[8] to ꝑe King, . xiiij ſ.

Aug. 21.—*Item*, to ꝑe man that hangit the Thebes in Canonby, be the Kingis command, xiiij ſ.

Item, to tua Inglise wemen that ſang in ꝑe Kingis pailȝeoune,[9] . . xxviij ſ.

Aug. 22.—*Item*, for ane hors to ꝑe cartair that hed his hors dede at the Hullirbuſs, drawand ꝑe pailȝeounis, be the Kingis command,[10] . . . . . iiij ti.

Aug. 23.—*Item*, in Lochmabane to ꝑe King to play at ꝑe Cartis[11] with Lord Dacre, xlvj ſ. viij d.

Aug. 24.—*Item*, the King come to Drumfreise furth of Eskdale, (to) the Justice and Lordis to ꝑe Justice Air ꝑair, and remanit at ꝑe ſaid Air, xxiij dayis, to ꝑe Justices expenſis ilk day xl ſ, ... xlvj ti.

Aug. 25.—*Item*, to ꝑe King at cartis with Lord Dakir, ... vij ti.

Aug. 31.—*Item*, be the Kingis command to Sir Alexander Jerdene and his men, for ꝑe taking of Gib Lindesay and other tua with him, eftir the tenour of ꝑe Proclamatioune, xxx ti.

Sep. 2.—*Item*, to James Tailȝour to pas to feche the Armstrangis to ꝑe King, xiiij ſ.

Sep. 8.—*Item*, to ꝑe Freris of Drumfreis xiiij ſ.,[12] and of Wigtoune, . . xiiij ſ.

Sep. 11.—*Item*, to Johne Goldſmyth, for the turſing of the organis in Eskdale,[13] xlij ſ.

Item, to ꝑe Piparis of Drumfreiſe, ... xxviij ſ.

[1] Fr. *Lit du camp*; a portable bed he carried with him to the field, and in all his journeys and hunting excursions. [2] Flexible mail for the back parts and joints of the limbs. [3] Greaves. [4] Rope. [5] Guide. Before high-roads were cut, travelling must have been, in all senses, a serious undertaking in those lawless districts. [6] Malmsey wine. [7] The Queen at that period appears to have kept up a constant and anxious correspondence with her absent lord. [8] Hunt's up, or some favourite hunting air on the bugle. [9] The royal tent; *pavilion*. [10] These Accounts abound in almost every leaf with similar acts of generosity and consideration for the poor and unfortunate. [11] Numerous entries of this nature run through the whole accounts. [12] It is unnecessary to cite each payment of this sort, which were profusely bestowed wherever the King went. [13] The King seldom left home without preparations for hunting, music, archery, golf, &c., and the Organis always accompanied him, when he was to be stationary, for some time, at any place.

APPENDIX.

Sep. 12.—*Item*, to þe Franche ſmyth to þe Kingis hors ſhoing, ſene þe King com fra Edinburgh, ... xxviiij ſ. vj d.

Sep. 13.—*Item*, to **Sir Richard Champleys Menſtrales**,[1] Inglise men, that playit to þe King, ... lvj ſ.

Item, to William Cunnynghames wif, in Drumfreiſe, for þe Kingis bele chere,[2] x li.

Sep. 14.—*Item*, in **Lochmabane** to ane pur man that all þe Court tuk his hay fra him, be the Kingis command, ... x ſ.

Nov. 16.—*Item*, for tua doſane barrit boltis[3] for þe King, . . xvj ſ.

Item, for xij blent[4] boltis, ... iij ſ.

Item, for ane pund corſe-bow threid, ... ij ſ.

Item, for iij pair wyndeſe cordis for corſe-bowis, ... vj ſ.

Jan. 24, 1504-5.—*Item*, for ane corse bow and ane water-dog to þe King,[5] . vi li.

Item, þe ſaid day to ane Tale Teller, that tellit Tales to þe King,[6] . . ix ſ.

Feb. 1.—*Item*, to James Hog, for dichting of viij fuerdis, binding of þair handis, agane Faſtingis Evin to þe **Turnaying**, dichting of ther ſteil ſadilles with ymree, tua tré axes, and tua ſpere hedes, ... iij li. ij ſ.

Feb. 2.—*Item*, to **the Gisaris** that danſit to þe King and Quene, be the Kingis command, vij Fr. cr. . . . . iiij li. xviij ſ.

Feb. 3.—*Item*, payit to Robert, cultellar, for vj gilt dagaris to þe King, grathing of þe Kingis ſchapis,[7] and couering of þe ſamyn, grathing of fuordis, ſchethtis, and beltis to þaim, binding of fuord handis with ſilk and cordis of ſilk to þe King, ſene Mydſomer bipaſt, of ſindry prices, as his compt bill proportis, ... vij li. x ſ.

Item, to ȝe ſaid Robert for iiij lang fuordis for **the Barres**,[8] and iiij ſchort fuordis for **Turnaying** at **Faſteringis-Evin**, ilk pece x ſ., ... iiij li.

Item, for xxvj ſokket hedis for þe Bar and Turnaying, . . . xxvij ſ.

Item, for xxiiij virales and diamandis for **justing speris**, . . xij ſ.

Item, for lj speris for þe ſaid Turnaying, ilk pece ij ſ., . . . v li. ij ſ.

Item, for ane ax-ſchac,[9] . . . . . xviij d.

Item, for xij cotis and xij pair hoſe, half Scottis blak and half quhit,[10] to xij (**Morris**) **dansaris**, be the More[11] Taubroneris deviſe, agane **Faſteringis Evin**, be the Kingis command,[12] xiij li. ij ſ.

Feb. 9.—*Item*, to þe Armorar that put one **the Kingis harnes**, . . xiij ſ.

Feb. 10.—*Item*, payit for vj elne grene taffeti to Pate Sinclair to **ane couer for his horss** at the **Tournaying** at Fasteringis Evin, ilk elne xv ſ., . . . iiij li. x ſ.

Feb. 23.—*Item*, to Alex. Herſſe to louſe þe Kingis ſtope,[13] quhilk wes tane quhen he was **Abbot of Curesoune**,[14] . . . . . vj li. viij ſ. viij d.

Sep. 14.—*Item*, to þe four **Italiene Menſtralis**, and the **More taubronar**, to fee þaim hors to **Peblis**, ... xxviij ſ.

Item, to ane Inglifeman and ane woman that wer ſpuilȝeit[15] paſſand to Quhitherne, be ane Inglifman and ane Scottis man, quhilk wer juſtifeit ȝairfoir, in **Lochmaben**, . . xiiij ſ.

[1] The number of minstrels belonging to the King's household at this period, was *thirty-one*. Their names and salaries are regularly stated. [2] Fr. entertainment, vulgarly '*belly cheer*.' [3] Ribbed arrows or *quarrells* for his cross-bows. It may, however, imply that they were *barbed*, though that was an unusual shape for *quarrells*, which were square in the points. Had the word been written *berrit* or *boirit*, it would signify sounding or whistling arrows. [4] Mixed, of various sorts. [5] The King seems to have been hawking, almost daily, near Linlithgow, Falkland, &c. On Nov. 15, there is a curious entry, 'Item, to ane man passit in ane Loch, and rasit dukis (wild-ducks) to ye Halkis, be the Kingis command, ij s. iiij d.' The water dog was evidently to pick up the game brought down by the 'boltis.' [6] Such payments are very frequent. [7] Scabbards. [8] The Barrace or Lists for the Tournament. [9] Hatchet, or axe-shaft? [10] *Motley*; party-coloured; black and white. [11] Moorish or black drummer. A *Morian*. [12] On the margin, '**For gisaris**.' [13] A silver drinking-cup. [14] This affords a very remarkable instance of the manners of the times, and of the revels sanctioned by long usage during *the daft days*. The King himself mingled freely in all the sports, and gained for himself the love and admiration of his people, being remarkably dexterous in all amusements, games, and manly exercises. [15] Spoiled; robbed.

Sep. 17.—*Item*, to þe **trukit Vicar of Drumfreise**[1] that fang to þe KING in Lochmabane, be THE KINGIS command,[2] . . . . . xiiij ſ.

Oct. 5.—*Item*, to thre men to pas to þe SCHEREF OF EDR. with **Alane Purwas**, quhilk was juſtefyit, ... vij ſ.

Aug. 2, 1506.—*Item*, payit to Andro Aytoun he gaif to þe men that hed þe **Erschemen**[3] fra Striueling to Edinburghe, quhilkis þe **Erle of Huntly** tuke, and turſit þe mannis heid,[4] xiiij ſ.

Oct. 20.—*Item*, to Ruthirfurd, Meſſenger, to pas to þe JUSTICE, to warne him of þe halding of þe **Aires**, ... v ſ.

Dec. 31.—*Item*, to xxx doſane[5] of bellis for **dansaris**,[6] delyuerit to Thomas Boſwell, iiij li. xij ſ.

Jan. 1, 1506-7.—*Item*, giffin to diuerſe **Menstralis, schawmeris, trumpeteris, taubrounaris, fithelaris, lutaris, clarschaaris, and piparis**, extending to lxix perſonis,[7] . xlj li. xj ſ.

Jan. 3.—*Item*, to ane man paſſand to þe BESCHOP OF CAITHNES with þe Kingis Letteris, for redding of þame paſſit in **the Lewis**, with MAKY, ... xiiij ſ.

Feb. 16.—*Item*, to **Wantonnes**[8] that ſang to THE KING, . . xiiij ſ.

Item, to **Wantonnes** that THE KING ſechit and gert hir ſing in THE QUENIS chamer, xiiij ſ.

Feb. 17.—*Item*, to þe **Queene of þe Canongait**,[9] . . . . xiiij ſ.

Mar. 6.—*Item*, to **Wantones** and her tua marrowes[10] that ſang with hir, . xiiij ſ.

Dec. 22.—*Item*, for iij **Prentit bukis** to þe King, tane fra **Andro Millaris** wif, . l ſ.

Jan. 1507-8.—*Item*, to þe **daft Queyn of þe Canongait**,[11] . . . xiiij ſ.

Jan. 22.—*Item*, to ane **Jestour**, be the Kingis command, . . . v ſ.

Item, to **Gray-steill Lutar**, ... v ſ.

May 12, 1508.—*Item*, to Inglife Cuddy þat brocht in **ane nakit gyse** in þe cloſe,[12] be the Kingis command, ... xxxvj ſ.

Jun. 19.—*Item*, to **the Erle of Ergile** to gif to þe men that tuke þe men þat **brynit Innermessane**, ... vij li.

Aug. 3.—*Item*, to Johne Beg, Meſſinger, to charge **Lord Maxwell** and the **Lard of Johnnestoune** to Ward, ... ix ſ.

Item, to ane oper to pas to **Lord Creichtoun of Sanquhar**,[13] with þe Kingis writing, ix ſ.

Feb. 9, 1511-12.—*Item*, to ane fallow, becauſe þe KING pullit furtht his twtht, xiiij ſ.

Feb. 25.—*Item*, to Kynnard, þe barbour, for tua teith drawin furtht of his hed be þe KING,[14] . . . . . xiiij ſ.

Feb. 27.—*Item*, to pas with Letteris to ſummond þe **Lard Symontoune**[15] and his complices for crymes of **Tresoune** and ane ASSISE to pas þairupone, ... xiiij ſ.

Jun. 27, 1512.—*Item*, to Andro Armeſtrang to pas with Letteris to **Musgreif**, xxviij ſ.

Apr. 24, 1513.—*Item*, to ſummond þe **Lord Maxwell**[16] and þe **Lard of Johnestoune**, x ſ.

[1] There are many payments to this person, who appears to have been in great favour with THE KING. [2] The King shortly after this returned to Edinburgh, and went to the North. [3] Highlanders. [4] Trussed or packed up the man's head, to be fixed on the Ports of some burgh or castle. [5] Thirty dozen. [6] Morrice-dancers. [7] It has already been remarked how liberal the King was in his establishment of this sort, which consisted of musicians from various countries. Besides his usual French and Italian Minstrels, he kept an Organist, *e. g.* 1512-13, Feb. 15. 'Item, to Guilzeame, Organar, Frencheman, and his v complices, French Menstralis, xxv li. v s.' Juliane Drummond and the Italians had a payment of xxxv li. the same day for their quarter's wages. [8] Wantonness. [9] She is elsewhere called 'the auld Queen,' and 'callit ye Quene of Maii.' [10] Companions. [11] It would appear from this entry, that she was a poor maniac and a privileged pensioner. [12] A naked mask, brought by English Cuddy, or Cuthbert, into the Palace Yard of Holyrood. [13] For this and the preceding entries, see the Trials, Vol. I, * 77, &c. [14] The King's skill in surgery and leech-craft was considered unequalled in these times, and he was extolled by contemporary writers, who assert that he was consulted by physicians and surgeons in desperate cases. The present instances seem to savour of frolic only, probably arising from a foolish wager with some of his courtiers. [15] See Trials, Apr. 27, 1512, &c., Vol. I, * p. 76. [16] Robert Maxwell, son of John Lord Maxwell, got a Charter of the Stewardship of Annandale, on his father's resignation.—*Reg. Mag. Sig.* xviii. 173.

CRIMINAL TRIALS

AND OTHER PROCEEDINGS BEFORE THE HIGH COURT OF JUSTICIARY.

It is an unfortunate circumstance that the regular series of THE BOOKS OF ADJOURNAL does not commence till the 18th day of November 1524, in the twelfth year of THE REIGN OF KING JAMES V; for unquestionably a variety of very important Trials must have taken place during his minority. No doubt, the public business of the country received a fatal shock from the disastrous consequences of Flodden-Field, and it would be long ere matters became settled after that unhappy day, when so many of the Nobility, and the flower of the principal families of Scotland, fell along with their King.

The Editor has endeavoured, to the utmost of his abilities, to fulfil the pledge he made at the outset of this undertaking, by entering into a very extensive and laborious examination of all the early Records and Collections of MSS. within his reach, so far as connected with the objects of this present work. In his zeal to preserve all that is important, and that bears on the history, manners, and customs of Scotland, he fears he may have encroached equally on his limits and on the patience of the general reader, whose pursuits, perhaps, do not lead him to attach much value to what will be greatly prized by the historian and antiquary. The result of these researches he now begs to submit in the illustrative Notes and Appendix to this Reign, in the hope that they will meet with the candid consideration of all.

What was remarked in the brief Notice prefixed to the Reign of JAMES IV, and to that Appendix, is equally applicable to the present portion. It may be observed, that the Extracts from the Records of the Privy Council, which are here given in chronological order, at the end of this and the other reigns, lie scattered over a number of volumes, and are blended with Precepts of Charters, Gifts, Presentations to Benefices and Offices, Legitimations, Licenses, Safe-conducts, &c.; of which, a number of the more important papers have been selected. To save the repetition of facts and illustrations contained in THE APPENDIX to this reign, the reader is referred, generally, to its contents.

CURIA JUSTICIARIE *Supremi domini noſtri* REGIS *tenta et inchoata in Pretorio de Edinburghe, per honorabilem virum* WILELMUM SCOT *de Baluery, militem, deputatum nobilis et potentis domini* COLINI COMITIS ERGADIE, *domini Campbel et Lorne, Juſticiarii Generalis Supremi domini noſtri Regis, die Sabbati,*[1] *xxvj° die menſis Nouembris, anno domini M^c V^c xxiiij° : Sectis vocatis et Curia affirmata.*

Justice Clerk Sworn into Office.

QUO die, in preſencia dicti domini Juſticiarij, NICHOLAUS CRAUFURD DE OXINGANG, Clericus Juſticiarie, tactis ſacroſancti Dei Evangeliis, ſuum juramentum preſtitit corporale, ad fideliter miniſtrand. in ſuo officio Clerici Justiciarie, juxta ſuam conſcienciam et diſcrecionem.

Slaughter of the Laird of Ryland.

Nov. 18, 1524.—Jacobus Crechtoune de Frendrancht, miles, ſepe vocatus ad intrandum ROBERTUM STEWART DE LATHERIS, ad ſubeundum legem pro arte et parte crudelis interfectionis quondam Jacobi Stewart de Ryland; prout ipſe plegius devenit pro ipſius introitu, ſub pena I^c li. Et non comparen. in amerciamento dicte ſumme; et quod dictus Robertus ad cornu ſupremi domini noſtri Regis denunciatur, et omnia bona ſua, mobilia et immobilia, ſuo vſui eſchaetur. Et hoc redditum fuit pro judicio.[2]

[*Jacobus Preſtoune, burgen. et Preſiden.*[3] *burgi de Ed^r Juſticiarius Deputatus.*]

Murder of the Treasurer of Edinburgh.

Jan. 7, 1524-5, (*die Sabbati.*)—THOMAS HAMMYLTOUN, called '*vnſunyt,*'[4] William Were, William Were, his brother's ſon, and Gawin Hammyltoune, were denounced Rebels, &c. for the Murder of Mr James Haliburtone, burgeſs and Treaſurer of Edinburgh.—(Maij 11, 1525.) Weir of Stanebyris[5] became ſurety for William, his ſon and heir-apparent, and . . . . . Weir, alſo his ſon, that they ſhould underly the law, on xv days' warning, for Intercommuning with Thomas Hammyltoun and William Weir, Rebels.

Common Theft, Murder, Rape, &c.

Jan. 30.—JOHN STEILL, alias *Kempy Steill,*[6] Adam and Richard Bell, convicted by an Aſſiſe, and HANGED for common Theft and Reſet of theft, and

[1] See Note to Nov. 9, 1493. [2] It has been thought proper to insert the two entries which occur in the regular Books of Adjournal, although perhaps immaterial in themselves, for the purpose of affording a specimen of the manner in which the Record was then kept. [3] Provost. [4] Unsanctified, unhallowed. [5] His Christian name not given. See Feb. 4, 1525-6, from which it would appear he was shortly afterwards Murdered. [6] Kempy denotes a person given to strive or contend for the mastery; a champion ('campioun' in old writings), a wrestler, &c.

of common Murder and Rape: And for Intercommuning with the Englifh thieves and traitors.

Assisa.[1]

Alex. Kirkpatrik of Kirkmichaell, knt.
Johne Pennycuke of that Ilk,
Alex. Crechtoun of Newhall,
James Maitland of Auchingaffil,
Williame Ballie of Bakbe,
Alex. Dalmahoy of that Ilk,
The Lard of Hanginfchaw,
The Lard of Comiftoune,
Alexander Pennycuke,
Thomas Hammyltoune,
Johne Douglas, David Vache,
Thomas Bynné of that Ilk.

Bond by the Border Barons to assist the Earl of Angus, &c.

Apud Ed^R. *xxvij Martij, anno I^m V^c xxv^to. In hofpicio domini Cancellarii.*

Sederunt, *Cancellarius, Epifcopus Candidecafe, Comes Angufie, Abbates de Abirbrothok, Sancte Crucis, ... , Dominus Flemyng, Clericus Jufticiarie (Nicholaus Craufurd de Oxingang), Magifter Adam Otterburne.*

The quhilk day, Archibald Erll of Anguse, in prefence of þe Lordis above writtin, fwore þat he fuld lelely and treuly ferue in to the office of Wardanery and Lieutenentry of the Bordouris, and to ftanche Thift, Reiff, Slauchter, and al vtheris inconvenientis committit vpon our foverane lordis trew liegis; after þe forme and tenour of þe Commiffioun gevin to him þairupone.

Comperit *Andro Ker of Cesfurde, Walter Scot of Bukcleuche, Andro Ker of Faruyhirft, Mark Ker of Dolphinftoune, George Rutherfurd of Hundolee,* and fwore þat þey, be þaim felf, kynne, freyndis, feruandis, and pairt-takaris, and al þat þai may raife and ftere,[2] fall lelely[3] and treuly ferue Archibald Erll of Anguse, ryde, gang, and ferue him at þair poffible power, in to þe office of Wardanery and Lieutenentry, for ftanching of Thift, Reif, Slauchter, and inconvenientis, and for þe executione of justice, and furth-bering of the Kingis autorite. *The Lard of Hunthill, the Lard of Bethrowll, the Lard of Wellis, James Ker of Merfingtone, James Murray of Faulehill, William Kirktone, the Lard of Haldane, Walter Scott of Syntoune, Robert Scott of Allanehauche,* fwore to þe effect above writtin.

In prefence of þe Lordis comperit Andrew Ker of Cesfurde, Walter Scot of Bukcleuche, Andro Ker of Fernyhirft, Mark Ker of Dolphingstoune, þe Lard of Hundolee, þe Lard of Hunthill, þe Lard of Bethrowll, þe Lard of Wellis, James Ker of Merfingtoune, James Murray of Fawlohill, William Kirktoune, þe Lard of Haldane, Walter Scott of Syntone, Robert Scot of Allanehalche, *David Hoppringill,* in Gallofchelis, *Adam Scot* in Trufchelaw, and *Robert Scott, Tutor of Howpaflot,* and of their avne confentis has bund and oblift þame, and ilk ane of þame, to rife with þair kynne, freynds, feruandis, part-takaris, and all þat þai may fteir, with Archibald Erll of Angufe, Lieutenent, for þe furth-putting of all

[1] This is the first recorded Assise in these books. It may be remarked, that the two Assises immediately following also consisted of *thirteen* persons. [2] Stir up, influence. [3] Loyally.

LIDDISDALE MENNE, ESKDALE, and EWISDALE, þare wiffis and barnys, now duelland within þe boundis of TEVIDALE, ETTRIK-FOREST, and boundis adjacent þairto, and hald þaim furth of þe ſamyne in tyme to cum. AND attour[1] þe forſaidis perſonis hes bundin and obliſt þame, and ilk ane of þame, for þame ſelf, vndir þe pane of tinſale[2] of lyfe, land, and guddis, þat gyfe[3] oney of þare men, kynniſemen, ſeruandis, tenentis, adherentis, affiſteris, pairt-takaris, or duellis within þare heritagis, rovmys, bayl3eryis,[4] takis, or ſtedings, committis ony treſpas, ſic as Slachteris, Murtheris, Treſonis, Reviſingis, Spul3eis, Thifts, or vþer crymes, þe forſaidis perſonis ſall bring in þe committeris þairof befor þe ſaid LIEUTENENT, or his deputis, to vndirly þe law for þe ſaid crimes; þai beand requirit þairto, vponne xx dais; or ellis, ſall within þe ſaid xx dayis after þai be requirit, put þe ſaydis perſonis, þare wiffis, þare barnys, furth of þe cuntré, and hald þaim furth of þe ſamin, and eſchete þare gudis, to be deliuerit to þe pairti dampnagit. And þis BAND to endure quhill þe feiſt of Candilmes nixt to cum; and þe ſaid Act to be extendit anent Slachteris, þe committeris þairof beand put to þe Horne.

ATTOUR, þe Lordis will and declaris þat þe landit men and Heidiſmen[5] of TEVIDALE,[6] Sherefdome of SELKIRK, ETTRIKE FORREST, and boundis þairof, now beand and abſent,[7] [' ſall obſerue and keip þe ſamin Band, ſiclyke as and (*if*) they had compeirit and obleiſt thaim thairto'] in every poynte, efter þe forme and tenour þareof, and vndir þe panys contenit þairintill.

IN preſens of þe Lordis of Counſal comperit GEORGE LORD HUME, *the Lard of Coldoinknollis,*[8] *the Lard of Polworthe, the Lard of Crauſtone, the Tutour of Wedirburne, the Tutour of Langtoune, the Lard of Suyntone,* and ſuore þat þai ſuld lelely[9] and trewly ſerue ERLL OF ANGHOUSE in þe officis of Wardenrie and Lieutenery, with þame ſelffis, þair kynne, freyndis, ſeruandis, men, tenentis, and all þat þai may raiſe and ſtere, quhen and quhat tymes þai ſalbe requirit be him or his deputis þairto; or ſall ryde, gang, affiſt, and ſuplé þe ſaid Erle, in ſtanching of Thift, reiffis, ſlachtaris, and vþer inconvenientis, and in peciſing of þe cuntré, exercicioune of juſtice, and furth-putting our ſoverane lordis auttorité: And þairupone gaif þair bodely athis.

IN preſens of þe Lordis of Counſale forſaid, comperit George Lord Hume, þe Lard of Coldaineknollis, þe Lard of Polworthe, *þe Lard of Corſby,* þe Lard of Suyntone, þe Tutour of Wederburne, þe Tutour of Langtone, of þare avn conſent Band and Obleſt þame, and ilkane of þame, to ryſe with þare kyne, freindis, men, ſeruandis, pairt-takaris, and all þat will do for þame, with Archbald Erll

[1] Moreover. [2] Loss; from the verb to *tyne.* [3] If. [4] Bailiaries. [5] Chiefs, heads of Clans. [6] Teviotdale. [7] There is an evident omission here. The words within brackets, which follow, are supplied to fill up the sense, they being taken from another similar passage in this remarkable document. [8] Hume of Cowdenknows. [9] Loyally.

of Angus, Wardane and Lieuetenant of þe Eift and Myddill Marchis, for pacyfing of þe cuntré, perfewing of theffis and tratouris, exercicioune of juftice, and furthe-putting of þe cuntry, of þE KINGIS autorité, quhen and alfe oft as þai falbe requirit be him or his deputis þairto. And attour, þe forfaidis perfonis has inlikwyfe bundin and obleft þaim, and ilkane of þaim for þaim felf, vnder þe pane of tinfale of lyfe, landis, and gudis, gyf ony of þair kynnifinen, feruandis, tenentis, adherentis, afifteris, pairt-takaris, adherentis,[1] pairt-takis or duellis within þair heritagis, rovmys, bailȝeryis, takis or ftedingis, committis ony trefpaffis, fic as Slaughtaris, Murthuris, Trefonis, Revifingis, Spuleȝeis, Theftis, or vþer crimes, the forfaidis perfonis fall bring in þe committeris, and þare, of before þe faid Lieuetenent and his deputis, to vnderly þe law for þe faid crymes, þai beand requirit þairto apone xx dayis; or ellis, fall within xx dayis eftir þai be requirit, put þe faidis perfonis, þair wyffis, þare barnys, furth of þe cuntré, and hald þaim furthe of þe famin, and efchete þair gudis, to be delyuerit to þe pairti dampnafit. And þis Band to endure to þe firft of Candilmes nixt to cum; and þe faid Act to be extendit anent Slauchteris, þe committeris þareof beand put to þe horne, &c.

ATTOURE, þe Lordis will and declaris, þat þe remanent of landit men and Heidis-men þat is duelland within þE MERSE and LAUDERDALE þat comperit nocht, and oblift þame in þis Act before written, fall obferne and keip þe famin Band, ficlike as and[2] þai had comperit and oblift þaim þairto in euery poynt, efter þe forme and tenour þareof, and vndir þe panys contenit þairintill.

Jurisdiction in Maritime Cases.

May 4, 1525.—THE quhilk day comperit Williame Andirfone, burgefs of Edinburghe, in prefens of my Lord Juftice and Lordis of Counfale, and becom cautionar and fouirtie for þe fchip callit 'þE FLEAND GAIST[3] OF ANSTERDAM,' þe merchandis, marinaris, and gudis being in þe famyne, now being in þe Port and havyne of Leithe, þat þe faid fchip, merchandis, marynaris, nor gudis, fall nocht be remouit nor tranfportit furth of þe famyne, vnto þe tyme þe pley[4] be decided betuix þE SKIPPARIS and marynaris of þe faid fchip, and þE MERCHANDIS OF COWPER and SANCTANDROIS, and ROSS HERALD, before þe Lordis of Counfale.

[*Colinus Comes Ergadie, &c., Jufticiarius Generalis.*]

Jurisdiction of the Bailies and Sheriff of Edinburgh—Offices of Sheriffship of the City and County, in Criminal Matters.

The famyne day, in prefens of my LORDIS JUSTICE and of COUNSALE, comperand James Preftoune, Prefident (Provoft) of þe burghe of Edinburghe, and

[1] This word is repeated. Perhaps for 'adheris.' [2] As if. [3] The flying ghost or spirit of Amsterdam. [4] Law-plea; litigation.

BALLIES of þe ſamyne, one þat ane pairt, and Patrik Barone, Sheref deput of Edinburghe, in þe name and behalf of þe principale SHEREF þairof; and of þair avne fré will appointit and aggreit, in þis wyſe; That is to ſay, QUHAT time ony Theif or treſpaſſour beis apprehendit within þe fredome and juriſdictioune of þe burghe of Edinburghe, and beis convict of ony cryme, þat þe ſaid PRESIDENT (Provoſt) and BALLIES ſall vſe þE OFFICE OF SCHEREFSCHIP pertenying to þair office, in þat caiſe; and convoy þame ſouerly to þe place quhare þai ſuld be juſtifyt,[1] and remain þairat quhill[2] þai be dede. AND inlikwiſe, þe ſaid SCHEREFF of Edinburghe and his deputis, quhare ony Theif or treſpaſſour beis apprehendit outwithe þe fredome of þe ſaid burghe, and preſentit before þe Juſtice or his deputis in jugement, gif þai be convict, be ane Aſſiſe, of quhatſumeuer cryme, þat þe ſaid Schereffis ſall vſe his office of Scherefschip pertenying to þair office vpone þe ſaid treſpaſſouris, and convoy them ſouerly to þe place quhare þai ſalbe ordanit to be juſtifyt, and remane þairat quhill þai be dede.

Slaughter of the Laird of Lochland.

Jun. 13.—GILBERT EARL OF CASSILLIS, David Hynde, James Mure in Ballochtoyll, Gilbert Kennedy, 'þe Proveſtis ſone,' and John Montgomery in Balſagart, were acquitted by an Aſſiſe of art and part of the cruel Slaughter of Martin Kennedy of Lochland.

THE EARL OF ARGYLE preſided at all the diets of this caſe, wherein almoſt every KENNEDY[3] of any conſequence was called, as art and part; together with a very long catalogue of the uſual allies and followers of the houſe of CASSILLIS; ſuch as Robert Grahame of Knokdoliane, Thomas Corry of Keldwood, John Mure of Auchindrane, Bartholomew Craufurde of Kerſe, David and Duncan his brothers, &c., for all of whom the Earl of Caſſillis became ſurety, that they ſhould appear and anſwer at the bar for that crime, and alſo for the Slaughter of Gilbert Makilwraithe.

ASSISA.

Johnne Mure of Arrochill,	Walter Maxwell of Aikhede,	Adam Stewart of Daldowdy,
Alexander Douglas of the Manys,	James Grahame of Bankell,	George Colquhoun,
Johnne Maxwell of Stanelie,	Robert Calender of Ballinchoiche,	Martyne Mure of Bogend.
James Stewart of Tuedy,	Johnne Striueling of Kere, kny[t],	Johne Stewart of Halrig,
Thomas Railſtoun of that Ilk,	Hew Douglas, burgeſs of Ed[r],	Thomas Abirnethy in Glencorſe.

The Earl of Caſſillis afterwards compounded with the King for the *unlaws* in which his followers were found liable, which muſt have amounted to a very large ſum. The original Warrant is ſtill preſerved,[4] and is given here as a ſpecimen of ſuch documents.

[1] Put to death, executed. B. Lat. *justificare.* [2] Until. [3] For illustrations of all matters connected with this subject, and, in general, with the Feuds, &c., of Ayrshire, Wigtoun, &c., the reader is referred to *Hiſtory of the Kennedies*, Quarto, Edin. 1830. [4] Orig. MSS. belonging to the High Court of Justiciary.

Rex,

Justice Clerk, Wit ȝe our weilbelouit couſing and counſalour, Gilbert Erle of Cassillis, hes componit with ws for all vnlawis in þe quhilkis he was adiugitt, for noneutré of his breþer, and all vþeris his freindis and feruandis, before our Juſticis or þair deputis, in our Towbuth of Edinburghe, quhatſumeuer dais, to haue vndyrlyin our lawis for Slauchtiris and crimis quhairof þai wer delatit, contenit in our Adiornale, vnto þe day of þe date heirof; and hes reſſauit fra him payment for þe ſamyn, at þe making heirof: And Diſchargis him of all þe ſaidis vnlawis, be þir preſentis, for euer. It is our will herfor, and We charge ȝow, þat incontinent þir our Letteris ſene, ȝe draw all þe ſaidis vnlawis furth of our ſaid Adiornale bukis, and deſeſe[1] þe ſamyn, ȝe trepand þir our Letteris for ȝour Warrant. Subscriuit wt our hand at Edinburghe, þe xviij day of Junij, þe ȝere of God Im.Vc.xxvj ȝeris, and of our regnne þe xiij ȝere. James R.

Slaughter — An Assise directed not to depart from the Tolbooth, until they had either acquitted or 'fylit' the Pannel.

Jun. 21.—William Carnys of Orchartoun, and vtheris, his complicis. —James Johneſoun, maſer, comperit in preſence of þe Lard of Baluery, Juſtice, ſittand in Jugement in þe Tolbuth of Edinburghe, and Theſaurare, and ſaid þat þe Chancillar and Lordis of Counſale commandit þe Juſtice, þat he ſuld cauſe þe Aſſiſe choſin vpoun William Carnys of Orchartoun, and vtheris his complicis, delatit of þe Slauchtir of William Langmuir, proceid, and depart nocht furthe of þe Tolbuthe, quhil þai had owþr maid þame quyte, or fylit þame of þe ſaid Slauchtir.

Piracy — Plundering goods from a Ship in Leith.

Aug. 14.—Capitane James Cokburne, Alexander Schort, Dauid Logane, Dauid Muſchet, Dauid Dauidſone, and Thomas Logane, convicted and Hanged, as Pirates, for plundering certain goods and merchandize from Annand Peirſoun, dwelling in Norway, and his mariners, out of his ſhip in the harbour of Leith. John Garduer acquitted by the Aſſiſe.

Slaughter of John Lord Fleming[2] — A Minor released from his Bond of Cautionary to enter a Pannel.

Aug. 18.—The following curious Supplication, with the deliverance indorſed thereon, is preſerved among the Warrants of Court.

'My Lordis of Counſal and Auditouris of Chekker, vnto ȝour l. huimlie menis and ſhewis I, ȝour ſeruitour, George Geddes of Cuthilhall: That quhare *Williame Tuedy*, ane ſcolar, wes delatit of airt and pairt of þe Slauchter of vmquhile Johne Lord Flemyng, and is innocent þairof, conſidering, þe time of þe committing of þe ſamin, he wes at þe ſcule in Edinburghe: And becaus I duell amang his frendis, þai follift and tiſtit[3] me to be ſouerté for him, for his entre to þe law: And becaus he durſt nocht compeir, he being innocent, for feir of his parti,[4] I am vnlawit for his nonentre befor þe Juſtice; howbeit, as I traiſt, I ſuld nocht haue bene reſſauit ſouerte, nor ſuld nocht haue bene vnlawit, conſidering I wes and is of leſs-age,[5] within xv ȝeris, and may nocht nor ſuld nocht be ſouirte,

[1] Discharge. [2] See Appendix to this reign, &c. [3] Enticed. [4] Adversary; prosecutor. [5] In minority.

of þe law. HEIRFOR I beſek ȝour l. to haue conſideratioune herof, and gif command to þe Juſtice Clerk to draw me out of þe Adiornal, ſua þat I be nocht pondit[1] for þe ſaid vnlaw. According to juſtice, and ȝour anſuer I beſeik. [Indorſed] *Apud Edinburghe, xviij Auguſti, anno I^m. V^c.xxv* THE LORDIS Ordanis, þat becauſe þis complenar is of leſs-aige, þat þairfor þe Clerk of Juſticiary diſcharge him of þe ſouerte fundin be him in þis mater, for þis vnlaw, and put him furth of his bukis.

CLERICUS REGISTER. ALEX. CAMBUS^TH. R. GLASGU. JA. DECANUS ABD.

Slaughter of the Laird of Stonebyres.

Feb. 4 et 12, 1525-6.—LINDSAY, Rector of Colbintoune, finds caution (Robert Lord Lyle) for his entry before the Juſticiar, on Feb. 19, to underly the law for art and part of the cruel Slaughter of . . . . Weyre of Stanebyris.

Feuds between the Lairds of Amyſfeild and Kirkmichaell.

Mar. 19-20.—JOHN CHARTERIS of Amysfeild, Robert and John, his ſons, Gilbert and John Greir, brothers of the Lairds of Craufurdtoun and Ile, Robert Charteris, brother of the Laird of Amysfeild, and thirty-ſeven others, found caution to underly the law on May xxix, in the Tolbooth of Edinburgh, for the cruel Slaughter of Roger Kilpatrick, ſon and heir apparent of Sir Alexander K. of Kirkmichaell, kn^t: And for the Mutilation of the ſaid Sir Alexander.

Mar. 24.—SIR ALEXANDER KIRKPATRICK of Kirkmichaell, knight, Robert, John, and William, his ſons, found caution (Roger K. of Knok) to appear the ſame day, to underly the law for all crimes to be imputed againſt them by John Charteris of Amysfeild.—He alſo became ſurety for the entry of William his brother, Henry K. junior, and Alexander his brother, Mr Cuthbert Welſhe, and twenty-two others, the ſame day.

Slaughter of the Laird of Auchinhervy.

Jun. 26, 1526.—HUGH EARL OF EGLINTOUNE, delated for art and part of the Slaughter of Edward Cunynhame of Auchinhervy. John Lindſay of Dunrod, his cautioner, fined for the Earl's non-appearance, in 100 l. The cautioners of Archibald Craufurd of Hanyng, Archibald Montgomery Maſter of Eglintoune, James Montgomery, brother to the Earl, Mr William Montgomery, and others, were fined in the like ſums—for their abſence. The principals were denounced rebels.

Stouthreif of the King's Artillery.

Jul. 11.—ROBERT BRUCE of Erthe, and Mr Thomas Bruce and James Bruce of Mungowellis, his brothers, received the King's Reſpite for art and part of the Stouthreif of certain mangonels[1] and Artillery coming from THE

[1] Poinded; distrained. [2] O. Fr. *mangonel*—an engine for slinging or darting stones, large arrows, &c. with prodigious force. They seem to have been used long after the invention of artillery.

Castle of Stirling to the King's Majesty, at his burgh of Edinburgh, for the defence of his person: And for art and part of the Stouthreif of the King's Letters from his Officers; and laying violent hands upon them.

Stealing the King's Crown and Jewels.

Jul. 11.—Walter Drummond, Acquitted by an Assise of art and part of the theft and concealment of the King's Crown from his Crown-room, with the precious stones therein contained, furth of the Palace or Monastery of Holyrood.[1]

Slaughter of the Laird of Auchinharvy.

Aug. 1.—Hugh Earl of Eglintoune; Archibald Montgomery, his grandson and heir apparent; Mr William, his son; and James, his brother, find caution (Mr John Campbell of Lundy) to underly the law at the next Justiceaire of Air, for art and part of the Slaughter of Edward Cunynghame of Auchinharvy.

Aug. 4.—Thomas Craufurd, heir of Auchinamys; James Monfode, heir of the Laird of Monfode; John Frisell of Knok; John, his son; and twelve others, procure the Earl for their cautioner, that they should appear and answer for the same crime.

High Treason — Field of Melrose — Common Theft, &c.

Aug. 9.—James Elwald, Convicted for treasonably coming, in company with Sir Walter Scott of Branxhelme, kn^t, and with the Traitors and Thieves of England and Scotland, against the King and his Lieutenant at Melrose; and for common Theft and Reset of theft.—Hanged.

Slaughter of the Laird of Cesfurd.

Aug. 14.—The following Warrant is preserved among the Papers of the Court. Alexander Hoppringill, in Torsonse; John, James, George, and Adam, his sons; James, his sister-son; George Chesholme of that Ilk, and eight others of no note, found caution to appear on 13th.

Justice Clerk, Wit ȝe, it is understand to *my Lord of Angufe* and to *the Lard of Farnyherst, Mark Ker*, and þe laif[2] of þe frendis[3] of þe Lard of Cesfurd,[4] that þir personis vndirwrittin, delatit of art and parte of þe Slauchter of the Lard of Cesfurd, ar innocent þairof, and wer nocht at þe committing of þe samyn: That is to say, William Sklater, Dutho Paterfone, William Peblis, Thomas Peblis, Mongo Williamsone, Thomas Dickesone, Johne Bard of Possò, Alexander Bard, Thomas Bard, Niniane Bard, Alex^r Horsbruck of þat Ilk, Johne Gyffane of Cardrono, Thomas Myddilmest of Gre-

[1] James Kirkaldy of the Grange, Francis Ramsay of Foxtoun, John Rankelour of that Ilk, and others, were on this Assise. [2] The rest, or remainder. [3] Blood relations. [4] Andrew Ker.

viſtoune, William Tuedy, and James Cokburne. ȝe ſall þairfore draw þe ſaidis perſonis and þair ſourteis furth of þe bukis of Adiornale, þat þai be nocht accuſit nor trublit for þe ſaid actioune. And alſe, þat ȝe defeiſe[1] in þe Adiornale, William Peblis, vnlawit þis laſt Monunday for noneutré of Mongo Williamſone before þe Juſtice, becauſe þe ſaid Mongo enterit þis Teuiſday before þe Juſtice, in þe Tolbuth of Edinburgh, and hes fundin new ſouerte for his entre agane þe thrid day of þe nixt Juſtice-air of Peblis, or vpone xv dayis warning. ȝe kepand þis Warrant, ſubſcriuit with my hand, At Edinburgh, þe xiiij day of Auguſt, the ȝere of God I^m.V^c. tuenty and ſex ȝeris. W^s. The^s.[2]

Forethought felony — Slaughter.

Aug. 17.—Robert Kilgour, Convicted of art and part of the forethought felony, committed when vmq^le Sir John Kilgour, his brother, and he cruelly ſlew John Gibſone and Thomas Wilſone, his ſervant, Aug. 12, 1526.—Aug. 23. He was ordained by the Earl of Angus, Lieutenant of the Eaſt and South Marches, to be beheaded.[3]

High Treason — Levying war against the King's Lieutenants.

Oct. 24.—Andrew Crechtoune of Craufurdtoun, John Crechtoune of Kirkpatrick, and forty-ſix others, were denounced Rebels, and put to the horn, for not appearing to underly the law for Convocatioun of the lieges in great numbers, armed in warlike manner, &c., and coming upon Archibald Earl of Angus, and James Earl of Arran, his Majeſty's Lieutenants, near the Church of Linlithgow, being there for the time in the King's ſervice, and exerciſing his authority; and treaſonably invading them and other faithful lieges for their ſlaughter and deſtruction.

High Treason — Invading the Earl of Arran, &c.

Dec. 19.—John Lord Lindesay of Byris.—Sir William Scot of Balwery, kn^t, became cautioner for the entry of Lord Lindeſay of Byris, on the third day of the Juſtice-air of Fife, or elſewhere, on xv days warning, for art and part of Convocation of the lieges at the Burgh of Stirling, on the 1ſt, 2d, and 3d days of September laſt: And for art and part of holding private Councils at the ſaid burgh, on the ſaid days: And for art and part of the forethought felony and invaſion made at Linlithgow, on the ſaid 3d September, upon James Earl of Arran and his part-takers, there aſſembled for the preſervation and defence of the King's perſon.

Abiding from the Raid (of Liddisdale) against the Border Thieves.

[Without at all entering into the cause or consequences of the Raid here referred to, which the Editor considers quite unnecessary in this place, the facts being so well known,[4] he has thought that

[1] Discharge. [2] Willielmus Thesaurarius, viz. Sir William Scott of Balwerie, Justice Depute and Treasurer. [3] On the margin 'Decollatur,' which proves that the sentence was carried into execution. [4] See the forthcoming Volume of Mr Tytler's History.

the following curious extract from *Anderson's* MS. History of Scotland[1] will be as interesting to the reader as it is highly illustrative of the manners and spirit of these troublesome times. It seems a pretty close version of *Buchanan's* account of the same event, but the quaintness of the Scottish style adds much to its point.

'Thair chancit, in the beginning of this Raid,[2] ane thing worthie of memorie, quhilk, for the noveltie of the fact, I wald not pretermit. Thair was ane man of law[3] birth in *Johnne Stewartis*[4] ſtabill and in alſe law office, ane horſkeiper. This man, eftir the Slauchter of his maiſter, wandering about and wiſt not quhat to do, in end, with conſtant mynd, interpryſit ane heicher attempt than accordit aither for his ſtait or birth: For, paſſing to Edinburcht to the deſtinat reveng[5] of his maiſteris death, in the way he chanced to meit with a man of lyk fortoun to himſelf, and ane of the ſervandis of the ſame Hous, and inquyrit of him, "Gif he ſawe James Hammiltoune the Baſtard[6] in the towne?" Quho confeſſing he ſaw hime—"Sawe thow him (ſaid he) moſt wnthankful cretour—and wald not ſlay that moiſt wicked man, quho ſlew our guid maiſter! Away! To the gallous with thé!"—This mekill ſpokin, paſſing furth the way, he was bent to com directlie to Court.

'Thair was in the wtter clois[7] of the Palace to the number of two thowſand men in armes, of Douglass and Hammiltounes dependeris, bound to the Raid quhairof we ſpak. This revenger of his maiſteris Slauchter keipit ſtill[8] his eye and mynd upone Hammiltoun, regarding no more elſe; quho haveing ane cloick about him, vnarmed, paſſing furth of the clois, com wnder the long volt[9] of the entres;[10] the revainger, awaiting him in the obſcure and narrow throit quhair the ȝetis[11] ar hung, flew wpone him, and gawe him ſax woundis (quhairof ſum pearſid almoſt to his vitall pairtis; wtheris James eſchewed, be bowing[12] his bodie and obiect[13] of his cloick), and incontinent lap[14] in amangis the reſt of the throng.

'Grit ſture arrayſe[15] incontinent, for ſum Hamiltounes ſuſpectit that this cruell turnes was done be the Douglassis, quho as ȝit had not forȝet[16] the auld malice; ſo that the twa factiounes had almoſt fallin to it be the earis. In the end, the ſture ſumquhat ſettiled. All men within the clois (were) commandit to ſtand by wtheris ſydis[17] about the wallis of the clois. The ſtryker was fund, and the bludie knyff ſtill in his hand. Inquyrit, "Quhairfra he com, and quhat was his buſſines thair?" Quhill as his anſueris war flowand, he was caryid to priſſoune, quhair the tortur (was) preſented vnto him. He confeſſed, incontinent, that he had done the deid to reveng his maiſteris Slauchter, lamenting onlie that ſo honeſt attempt had turned to nathing. Being verrie ſeueirlie tormentid, he wald not confes that ony man was in Conſpiracie with him. In end, he was condamed, caryid about the Towne naikid, and brodit[18] with hot irnes in all pairtis of his bodie. He nevir, in word nor countenance, gave ane dollorous ſigne. Quhat tyme his right hand was cut aff, he ſaid, "It was moir lichtlie punifchit than it deſervid, ffor that it had not obayit ane ſtout ſtomack!"'

This circumstance was too remarkable to escape the attention of *Leslie*, who briefly says,—'Ane great conuentione of the Lordis being in Halyrudhous with the King, the xvij of Junij, thair com ane ſempill[19] lyk man, being ſume tyme ſeruand to the Erle of Lennox; and in the mids aue great confluence in the Abbay cloſe, furiouſlie and diſperatlie ſtruk Sir James Hammiltoun, knycht, with ane quhingȝear in the Wambe,[20] thre findry ſtraiks, to the heft;[21] albeit[22] that the ſaid Sir James deit nocht of thay ſtraikis. The man beand ſuddantlie takin, confeſſit the deid, without ony repentaunce, crying, "Fye on the feibill hand quhilk wald not do that thing the hart thocht, and wes

[1] Advocates' Library, Jac. V, 2.2. fol. 282, *b*. [2] The Raid of Liddisdaill against the Thieves, where the Earl of Angus 'hancit 12 of thame that war takin, and keipit also mony for pledgis; quhome also, for that thair freindis wald not abstene from Roberie, within fewe monethis eftir, he Execut.' [3] Mean; low. [4] John Earl of Lenoox, slain at the Field of Linlithgow. [5] Revenging. [6] Sir James Hamilton, natural son of the Earl of Arran. [7] Outer close, or inclosure. [8] Ever; constantly. [9] Vault; archway. [10] Entrance. [11] Gates. [12] Bending; inclining. [13] Interposition. [14] Leapt. [15] Literally, a great *dust* arose. [16] Forgotten. [17] To stand side by side; in single file. [18] Pricked; thrust at. [19] One of low or obscure birth; a plebeian. [20] Belly. [21] Hilt; handle. [22] Although; nevertheless.

determinatt to do!" And being inquyrit "Quhat he wes, and quha had caufit him to do the fame?" Anfuerit, "he wes ane fervand of God, fend be him to do that deid." And albeit he wes put to grite paynes, dailie, be the fpace of ane moneth thaireftir, wald nevir gif ane uther anfuer. Thairfoir he wes hangit, and his heid fixeit upoun the Port of Edinburgh.'[1]]

Jul. 29, 1527.—Richard Lord Innermeithe and James Lord Ogiluy amerciated for not appearing to underly the law for remaining from the laft Raid made by the King upon the (Border) Thieves.[2] New Letters were ordained to be iffued for their appearance; and, in cafe of failure, that their whole moveables be efcheated, &c.

Abiding from the Border Raid.

Jul. 29.—John Lord Glammys amerciated for the fame crime, and for Refetting Gawyn Lyoun and others his accomplices, Rebels.

Slaughter of the Earl of Cassillis.

Oct. 5, (*die Sabbati.*)—Hugh Campbell of Lowdoune, Sheriff of Air. James Earl of Arran was amerciated 100 l. for not entering the Sheriff of Air to underly the law for the cruel Slaughter of Gilbert Earl of Caffillis. Campbell was denounced Rebel, and all his moveables ordained to be efcheated.—George Craufurd of Lefnorijs, and William his brother, John Campbell of Cefnok, Bartholomew Craufurd of Kerfe, David and Duncan his brothers, John Craufurd of Drongane, John and William his fons, with a great number of others, found caution to underly the law for this crime, on the third day of the next Juftice-aire at Air.[3]—Dame Issabella Wallace, Lady Lowdoune, alfo accufed for the fame crime, was proved to be fick by Sir William Bankhede, her Curate, and two witneffes.

Invading the Sheriff of Fife in a fenced Court.

Oct. 8.—George Ramsay of Clatty, John Betoune of Balfour, James Betoune of Melgum, Johne Grahame of Claverhoufe, and others, found caution to underly the law at the next Juftice-aire of Fife, for Convocation of the lieges to the number of 80 perfons, and in warlike manner invading John Lord Lindesay, Sheriff of Fife, in the execution of his office, in a fenced Court within the Tolbooth of Cowper, the doors being fhut, and the Affife inclofed; and for breaking up the faid doors. David Abbot of Abberbrothock obliged himfelf to relieve John Wardlaw of Torry of his cautionry.—Mr George Betoune, Rector

[1] Ban. Club Edit.; 1830; p. 139. [2] Many others of less note were cited for this offence, until the year 1528. It is unnecessary, however, to multiply farther instances of the like entries, excepting where the rank of the parties renders them interesting. [3] Numerous entries occur of persons cited for this crime; and, failing to appear, they were all denounced rebels, &c.

of Glafgow, dilated of the fame crime, was replegiated by the Commiffary of the Archbifhop of Glafgow.—David Fethy of Incheok, David Cokburne of Trettoune, and John Betoune of Balijs-craggis amerciated for non-appearance, and ordained to be fummoned of new, &c.

Slaughter.

Oct. 14.—Johne Johnestoun of that Ilk, John, Andrew, and Rolland Bell, William and Mathew Johneftoune, found caution to appear before the Jufticiar, to underly the law for the cruel Slaughter and Murder of Symon Armeftrang. James Douglas of Drumlangrig became cautioner.—Sep. 23. Failing to appear, they were all denounced Rebels, &c.

Intercommuning with the Sheriff of Air.

Nov. 23.—William Cunynghame of Glengarnok, Mungo Mure of Rowallane, John Hammyltone of Colmyfkelthe, James Wallace of Carnale, Adam Wallace of Newtoune, John Foulartoune of Corfbie, and others, were amerciated for not appearing to underly the law for Intercommuning, affifting, refetting, and fupplying Hugh Campbell of Lowdoune, Sheriff of Air and his accomplices, Rebels, and at the horn, &c. Their moveables were ordained to be efcheated, &c.

Intercommuning with the Sheriff of Air.

William Cunynghame, Master of Glencairn, John C. of Caprintoune, David C. of Bertaneholme, Robert C. of Aket, William Wallace, Tutor of Cragy, George Roffe of Hanyng, John Lokert of Bar, John Craufurd of Drongane, George Rede in Dandelly, and Quintin Schaw, Tutor of Keris, found caution to appear before the Jufticiar on Dec. 4, for Intercommuning, &c. with the Sheriff of Air.

Importing and Uttering Forged Money.

Mar. 14, 1527-8.—George Caball, Convicted by an Affife of treafonably importing ffalfe and fforged pennies into the kingdom from Flanders and other places; and of ufing them in his merchandize and otherwife.—Sentence. To be drawn to the gallows and Hanged until dead, and his head to be placed on an iron pike, and fixed on the eaft gable of the Tolbooth of Dundee. His body to be quartered, and each quarter to be fufpended by an iron chain, and affixed upon each of the principal ports of that burgh, thereon to remain as a perpetual example to others. All his goods, moveable and immoveable, were ordained to be efcheated.

Slaughter — Deadly Feud.

Jul. 28, (*Apud Striueling.*)—ALEXANDER KENNEDY OF BARGANY, and Hugh his ſon, John Mure of Auchindrane,[1] and James his brother, Gilbert Kennedy of Kirkmichall, James K. of Blarequhane, Sir David Blacater, Curate of Girvane, Thomas Corry of Keldwod, Thomas K. of Coiff, Alexander K., brother of James of Knokdone, Alex. K. of Glentig, William Abbot of Corſragwell, Gilbert K. of Barmaclannochane, Mr Walter K., James K., ſon and heir-apparent of Patrick of Drumnellane, John K., ſon and heir-apparent of Gilbert of Kirkmechell, Thomas K., ſon of Alex. of Bargany, Hugh K., ſon of Thomas of Dunneyne, David K., brother of the Laird of Kirkmechell, Alex. K. of ȝet, Thomas K. of Dunneyne, John K. of Bennane, Mungo Eklis of that Ilk, Patrick K. of Drumnellane, &c.[2] (in all ſeventy-five perſons,) dilated for art and part of the cruel Slaughter of vmq^le^ Robert Campbell in Lochfergus, Alexander Kirkwod, and Patrick Wilſone.

MR WALTER KENNEDY, Rector of Douglas, David his brother, James K., Thomas Boſwell, Sir George Davidſone, John K., William Wricht and Duncan Makrinnyll, Chaplains, and George Berclay, Pariſh-clerk of . . . ., were replegiated by Sir Robert Wemys, Chaplain and Commiſſary of Gawin, Archbiſhop of Glaſgow, and found caution to underly the law for the above crime.

JOHN KENNEDY of Bardrochat, Thomas Murdoch of that Ilk, James Kennedy, brother of the Rector of Douglaſs, James Makrinnyll of Barneill, and ſeven others, found caution to underly the law for the ſame crime, at the Juſtice-aire of Air, &c.[3]

Intercommuning with a Rebel.

Aug. 27.—JAMES LORD OGILUY, James Ogiluy of Cukiſtoune, Dauid Gardin of Leys, and John Ogiluy of Innerquharite, amerciated for not appearing to underly the law for Reſetting, ſupplying, and intercommuning with Sir Alexander Spenſe, Monk of Cowper, his Majeſty's Rebel.

Proclamation to pass to the Raid of Temptallounc, &c.

PROCLAMATION,[4] *made at the Market-Croſs of Edinburgh, Sep.* 10, 1528.—WE do ȝow to wit, þat fforſamekill as ane grete pairt of our ſouerane lordis liegis wer commandit be his Letteris to cum to his hienes, to STRIUELING, to have convoyit his grace to Edinburghe, and þairefter to haif remanit

[1] Ancestor of the notorious Auchindrane, who has been 'doomed to everlasting fame' by *Sir Walter Scott*, in his Ayrshire Tragedy. [2] The others are individuals of less note. [3] Other persons are cited for this Slaughter at subsequent diets of Court, and denounced rebels, &c. [4] It is certified in the Record, that this Proclamation was publicly made at the market-cross of Edinburgh, Sep. 10, 1528.

for þe ſpace of xx dais, or to haue paſt quhare his grace and Lordis of his Counſale pleſit. And now his grace, with aviſe of his ſaidis Lordis, has tane purpoſe to remove towart Temptalloune, or vþeris places thocht to him expedient: Quharefor I command and charge in our ſouerane lordis name all and ſindry his liegis, quhilkis wer chargit be his Letteris be oppin proclamatioune of before, þat þai addreſs and mak þaim reddy, bodin in þair beſt wiſe, and be in þis tovne of þis nixt Thuriſday, at evyne, þe xj day of September inſtant, to paſs on Friday þe xij day of þe ſaid moneth with þe Kingis grace and Lordis of his Counſale, quhare þai ſal think expedient, vnder the panys contenit in his firſt Proclamatioune forſaid; and nochtwithſtanding ony Letteris of Licence gevin in þe contrare; certifying þaim þat hes gottin ony ſic Letteris of Licence þat nane of þaim ſalbe admittit, bot þair eſchete ſalbe diſponit vpone. And þat þe Tovne of Edinburghe and Leithe furniſe cariage with vittallis to paſs with þe Kingis grace and his Armye, for furniſſing of þe ſamyn as efferis; and þai ſall haue thankfull payment þairfor.

Assisting the Earl of Angus in raising Siege of Newark.

Sep. 26, (*die Sabbati.*)—George Nesbet of Dalzell,[1] George Craw of Reſtoune, James Ramſay in Fouldene, and William Redepethe, junior, were amerciated for not appearing to underly the law, for their riding with their friends, tenants, and ſervants, and fortifying and aſſiſting Archibald, formerly Earl of Angus and his accomplices, for raiſing the ſiege of the Caſtle of New-Werk; and for art and part with him therein, contrary to the King's Proclamations, &c.

Intercommuning with Rebels — Burning Castle of Broadick, &c.

Fergus M'Dowell of Frewche, Thomas M'D. of Mondork, and Thomas Makcavat, found caution to underly the law at the next Juſtice-aire of Wigtoune, for Reſetting, ſupplying, and intercommuning with Archibald and Robert Stewart, ſons of the Sheriff of Bute, Rebels, and at the horn for the Slaughter of George Tayt; and for the Burning and deſtruction of the Caſtle and Place of Braidwik, in Arran, belonging to the Earl of Arran.—In a Warrant from the King which follows, dated Sep. 25, the Juſtice is directed to take caution of theſe perſons, 'becauſe of our Generale Raid now deuiſit to be vpone þe xx day of October nixt to cum, for recouering of þe ſaid Caſtell of Temptalloune.'

Oppression — Chasing Deer — Mutilation, &c.

Oct. 21.—George Ker of Lyntoune, Mr Thomas Ker of Sounderland-

[1] He was denounced rebel on Sep. 28.

hall, James Ker in Farnylee, and nine others, were amerciated for not appearing to underly the law for art and part of the Oppreſſion done to William Cokburne of Ormiſtoune, coming to his Park of Ormiſtoune under ſilence of night, armed with lances and other invaſive weapons, breaking up the gates thereof, and with bows and dogs chaſing and wounding 'his parkit deir:' And alſo, for invading and wounding his ſervants the keepers of the ſaid Park: And for the mutilation of one of his ſervants, called Thomas Anderſon.—New Letters were ordained to be iſſued for their appearance, under the pain of rebellion, &c.

Caution for Partizans of the late Earl of Angus.

Nov. 20.—'GEORGE HUME OF SPOT comperit in preſens of þe Lordis of our ſouerane lordis Secrete Counſale, and for þe frething[1] and releving of DAVID RAYNTOUNE OF BYLLE out of Warde furth of þe CASTELL OF EDINBURGH, þe ſaid George become ſouirte for him, þat he ſal in al tyme cuming lelely[2] and trewly ſerue our ſouerane lord, and þe lord Hume, vndir þe pane of twa thowſand merkis.'

(Nov. 22.)—'IN preſens of þe Lordis of Counſale, comperit Nicholace Ramſay of Dalhouſſy, and James Towris of Innerleyth, kny^t, and become cautioners and ſuerteis, coniunctlie and ſeueralie, for PATRIK HUME, broþer germane to Alexander Hume Tutour of Wedderburne, that fforſamekill as þe ſaidis lordis has chayngit þe ſaid Patrikis Ward furth of þe Caſtell of Edinburghe, to þe Tovne of þe ſamyn; tharefor, þat þe ſaid Patrik ſall remane in Warde within þe ſaid Tovne of Edinburghe, and nocht remove þairfra, nor aſſiſt to Archibald Douglaſe, ſumtyme Erll of Anguſe, nor his part-takaris, nor write nor ſend to þame na maner of way; and ſall keip the ſaid Warde quhill he be fred be þe Kingis grace and Lordis of his Counſale, vnder þe pane of ij^m merkis. And þe ſaid Patrik ſall anſuer for na manis dedis bot his avne dedis.

Abiding from the Host at Temptalloune, &c.

Dec. 16.—JOHN SITLINGTOUN of Stanehouſe, John Wilſone of Cruglin, Alexander M^cquuchin de Dalquhit, John Ferguſſone of Cragdareauche, and ſixty ſeven others,[3] denounced Rebels and put to the horn, for their abiding from the King's hoſt and army at Temptalloune.—A number were purſued at this period, for abiding from this army of 'Dowglas and Temptalloune,' and the previous army at Stirling.

Intercommuning with Rebels in Carrick, Bute, and Arran.

Jan. 15, 1528-9.—JOHN NEILSONE of Cragcaſſy, and Michael and John

[1] Freeing; absolving. [2] Loyally. [3] They were all Galloway and Wigton Lairds—among them the Lairds of Balmagie, Garlies, Larg, Barclay, Creachane, Torhouse, Andrew Agnew the Sheriff of Wigton, &c.

Neilſone his couſins, were denounced Rebels and put to the horn, &c. for not underlying the law for Reſetting, Supplying, and Intercommuning with his Majeſty's Rebels, in Carrick, Bute, and Arran: And for Oppreſſion done to the Laird of Mochrum, coming to his dwelling place of Mochrum, and breaking up the doors and windows, &c.

Convocation of the lieges — Oppression, &c.

Feb. 15.—William Anstruther, George Symmer, and thirty-eight others, fund John Anſtruther of that Ilk as thair cautioner, that they ſhould appear at the next Juſtice-aire of Fife, to underly the law for art and part of Convocation of the lieges: And for Oppreſſion done to Mr David Lindeſay, and invading him for his Slaughter. And for taking and incarcerating him in the Tower of Anſtruther, and detaining him therein againſt his will.

(Feb. 27.)—John Anstruther of that Ilk, and John Strang younger of Balcaſky, fund caution to anſwer for the above crimes.

Fire-raising — Burning of Cousland.

Feb. 25.—Patrik Charteris of Cuthilgurdy found caution (Robert Mawll of Panmwre) for his entry before the Juſtice, to underly the law for art and part of the Fire-raiſing and Burning of the village of Cowſland, and houſes thereof: And for the plundering of certain oxen, cows, and other goods, from the Tenants thereof, and from William Lord Ruthvene.—(Feb. 28.) John Charteris, brother to Cuthilgurdy, and eleven others, found ſurety to anſwer for the ſame crime.—(Mar. 1.) The King granted Warrant to remit this caſe to the Juſtice-aire of Forfar.

Slaughter of John Lord Fleming.

Apr. 7, 1529.—John Twedy of Drummelȝeare, John Tuedy dwelling with him, Thomas T. in Olivere Caſtell, David T., James T. in Kilbochoche, and James T. in Wray, found ſurety (John Lord Hay of Yeſter) for their appearance at the Juſtice-aire of Pebles, to underly the law for art and part of the cruel Slaughter of John Lord Flemyng. This ſurety was taken by Warrant of the Lords of Privy Council, and with conſent of Malcolm Lord Flemyng, becauſe they were at the horn.

James Twedy junior of Drummelȝeare, John Vache of Kyngſyde, David Newtoune of Michelhill, and eight others, found caution (Sir Walter Scott of Branxholme, knt.) to anſwer at the ſame time and place for the above crime.[1]

[1] May 17, 1530, he and three others procured Letters of Reſpite, and found caution to satisfy the party at the next Justice-aire of Peebles.

Treasonably assisting the Earl of Angus, &c.

Apr. 16.—ADAM NESBIT of that Ilk, and Philip Nesbit his son, were denounced Rebels and put to the horn, and all their moveable goods to be escheated, for not appearing to underly the law for Resetting, Supplying, Intercommuning, and Assistance given and afforded to Archibald, formerly Earl of Angus, (George Douglas) his brother, and (Archibald Douglas his) uncle, Rebels, in their treasonable deeds.

(Apr. 21.)—DAVID HOPE and William Inglis, were Convicted by an Assise, and HANGED for their treasonable assistance given to Archibald, formerly Earl of Angus, &c. as above. *Item*, the said David, for art and part of the treasonable detention of the Castle of Temptalloune against our sovereign lord's authority.

Convocation of the lieges—Rescuing a Felon, &c.

Maii 5.—ROBERT GUDEFALLOW, John Jardin of Dyke, John and Alexander Jardin, and 19 others, denounced Rebels, and put to the horn for not underlying the law, for Convocation of the lieges in great number, coming upon the servants of Malcolm Lord Flemyng, in the execution of their office, by virtue of Royal Letters directed to him, to search for and take Edmund Rutherfurd, and present him before the Justice to underly the law for certain crimes; and rescuing the said Edmund, &c.

Common Theft, &c.

May 5.—JOHN RUTHERFORD, son of Edmund Rutherford in Auchincorthe, Convicted by an Assise of common Theft, Resetting of Theft, outputting and inputting, &c. and HANGED.—THOMAS DAVIDSOUN Convicted and HANGED for the same crimes.

Caution for the Laird of Drumlanrig.

Jul. 31.—' THE quhilk day James Douglas of Caveris, Sheriff of Teviotdale, in presens of þe Lordis of Counsale, become souerté for JAMES DOUGLAS OF DRUMLANRIG, þat he suld nocht evade nor eschew furthe of Warde out of þe Castell of Edinburghe, vnder þe pane of I^{m}li., quhill it wer þe KINGIS plesour.'

Lord Maxwell's Bond to present felons to trial, &c.

Jul. 23.—' In presens of þE KINGIS grace and Lordis of Secreit Counsale, ROBERT LORD MAXWALL, Wardane of þe West Marchis, tuke vpon hand to entir *Hector Scot, George Scot of þe Bog*, and vþeris þair complices, quhais names salbe gevin to him in bill, committaris of þe Slauchteris of James Patersoun and Williame Cleghorne in Langlandhill: And for þe Rese and Herschip

of certane horſſis and gudis at Peblis and in Tueddale, laitlie, and vpoun þe Capitane of Edinburghe, at þe Catſlak, in þe Foreſt of Ettrik, before our ſouerane lordis Juſtice in þe Tolbuthe of Edinburghe, vpoun þe ferd day of Auguſt, for þe ſaidis Letteris: Or ellis, to put þaim out of þe Marche, and hald þaim furth of þe ſamine;—and in þat cace ſal reſtore þe gudis takin be þame or ony vþeris complenȝeand vpone ony perſonis duelland within þe boundis of his Wardanery, according to his Band, and ſene þe date þairof: Prouiding alwais, þat þe perſonis þat enteris ſalbe accuſit for na thingis before þe day of þe date of his Band, and acceptatioun þairof.'

Stouthreif — Oppression — Sheep-stealing.

Aug 5.—James Guthry, Captain of the Caſtle of Crechtoune, amerciated for not underlying the law for art and part of the Stouthreif and Oppreſſion done to William Borthwick of Crukſtoune, in 'reiving' from his ſervant and ſhepherd of 100 ſheep, being at the grazings upon the lands belonging to John Lord Hay of Yeſter. New term aſſigned, under the pain of rebellion, &c. —Andrew Purves and ten others found ſecurity to appear at the Juſtice-aire of Edinburgh, to anſwer for the ſame crime.

Convocation — Deadly Feud between the Lairds of Edmonstoun and Niddry-Marischall.

Aug. 30.—Patrik Cockburne of Newbigging, James Cockburne of Langtoun, Gilbert Wauchope of Nudry Marſchall, and Gilbert his ſon, John Pennycuke of that Ilk, John Lile of Stanypethe, Andrew Heriot of Trabrovne, Mr George Hay of Mynȝeane, Patrick Sydeſerf of that Ilk, the young Laird of Skowgall, and James Stewart of Cragyhall, Convicted by an Aſſiſe of art and part of Convocation of the lieges upon John Edmonſtoune of that Ilk.

George Lord Hume amerciated for not entering John Hume and ninety-eight others (chiefly Trotters, Brounfields, and Dickſons,) by virtue of the Bond for good rule of his country, to underly the law for art and part of Convocation of the lieges upon Gilbert Wauchope of Nudry Marſchell, in company with John Edmonſtoun of that Ilk.

Robert Lawder, the young Laird of Baſs, William Dewar of that Ilk, Thomas Vernour of Auchindinny, and Thomas his ſon, ... Cokburne of Newhall, and fourteen others, were amerciated for not appearing to underly the Law for Convocation of the lieges coming with the Laird of Nudry againſt the Laird of Edmonſtoune.

Liberating a Thief — Taking Theft-bute.

Sep. 30.—David Pollok of that Ilk found Robert Lord Maxwell as

Cautioner for his entry at the Juſtice-aire of Renfrew, to underly the law for ſetting to liberty a Thief called *Stobhill* out of his priſon, after having taken *Thift-bute* from him.

Assurance between the Lairds of Dundas and Nudry-Marischall.

Apr. 4, 1530.—' JAMES DUNDASS of þat Ilk, in preſens of þe ſaid Juſtice, for him, his kynne, freyndis, ſeruandis, adherentis and pairt takaris, and al þat he mycht let,[1] Aſſouerit[2] GILBERT WAUCHOPE of Nudry Marſchell, Thomas Wauchope and þair kynne, freyndis, tenentis, ſeruandis, adherentis, and pairt takaris, vnto þe ix day of Maij nixt to cum; and held up his hand hereto,[3] and band (and) oblift him to obſerue and keip þe ſaid Aſſouerance, vnder þe pane of I^m li. And hereupoun þe ſaid Lard of Nudry aſkit ane act.'

Assisting Thieves and Rebels.

May 15.—DAVID TURNBULL of Wauchope, Walter Turnbull of Howay, John Lile of Stanypathe, Philip Neſbet of that Ilk, Patrick Lumniſdene of Blenerne, John Edingtoune of that Ilk, and Robert Haig of Bemerſyde, denounced Rebels, and put to the horn for not entering to underly the law, for affiſtance given and afforded to Thieves and Malefactors in violation of their Bonds.

Slaughter of Lord Fleming.

SIR WALTER SCOTT of Branxholm, kn^t, come in the King's will (for the Slaughter of JOHN LORD FLEMING.)[4]—(May 17.) He was amerciated for not entering John Vache of Kingſyde, David Newtonne of Machelhill, and four others, for the ſame crime, who were all denounced Rebels, &c.

High Treason — Bringing in Englishmen — Theft, &c.

[A STRIKING feature of this period of history, was the disjointed state of civil society. On the Borders, especially, the most lawless excesses were committed, almost with impunity; and at length matters had come to such a pitch, that THE KING found it necessary to levy an army, and to march along with them in person to these districts. It may be remarked, that the robberies and 'hereſchips' daily committed, were not confined to outlaws and desperadoes, or 'broken men,' as they were termed, belonging to no Clan, but persons of good family joined in the general foray, and among others, THE LAIRDS OF HENDERLAND and TUSCHELAW[5] distinguished themselves by the most reckless and daring Treasons and Robberies.

It is unnecessary to enlarge on this subject, which is notorious, and has long been matter of history. According to the Editor's usual plan, however, such contemporary notices as can now be gleaned, shall, without farther remark, be laid before the reader; as the adoption of this method, in his opinion, affords the most vivid picture of the transactions recorded. In *Anderſon's* MS. History,[6] it is merely remarked, that 'The reſt of the ȝeir was moir peciabill, bot the bauldnes of THEIVIS was never a

[1] Hinder. [2] Gave assurance to. [3] Swore, or gave his solemn oath. [4] See Apr. 7, 1529, &c.
[5] See May 18, 1529. [6] Advocates' Library; chiefly compiled from Buchanan, &c.

quhit repreſſed. Quhairfor THE KING cauſid hang, þe 18 of May, *Williame Cokburne of Hinderland*, and *Adame Scott of Tuſchilaw*, Theivis apprehendit, in Ed^r, to terrifie wtheris.' But the Original of *Bishop Lesley's*[1] History is rather more explicit. 'In the ſamyn moneth of May, the xvj day, thair wes ane greit conventionn of the Lordis with THE KING, in Edinburgh; and the King himſelf preſentlie ſittand in judgement. *The Laird of Hinderland*, callit *Cokburn*, and *Adame Scot of Tuſchelaw*, quha wes callit KING OF THEIVIS, was accuſet of Thift, reſett and maineteyning of Thevis, ſlauchter, and uther crymes, and convict thairfor and heidit; and their heidis fixit uponn the Tolbuith of Edinburg.'[2]

Without citing farther extracts, in this place, reference may be made to the Notice prefixed to the following article, where some interesting particulars are preserved in connexion with the ſame ſubject.]

May 16.—WILLIAM COKBURNE of Henderland, Convicted (in preſence of THE KING) of High Treaſon committed by him, in bringing Alexander Foreſtare and his ſon, Engliſhmen, to the plundering of Archibald Someruile: And for treaſonably bringing certain Engliſhmen to the Lands of Glenquhome: And for common Theft, common Reſet of Theft, outputting and inputting thereof.—SENTENCE. For which cauſes and crimes he has fforfeited his life, lands, and goods, moveable and immoveable; which ſhall be eſcheated to the King.—BEHEADED.

The following Original Warrant was found among the loose papers belonging to the Court, and is given here, as throwing farther light on the sequel to these extraordinary transactions.

GUBERNATOR,

JUSTICE CLERK, We grete ȝow weill. Forſamekill as *Williame Cokburne*, ſone and heir of vmq^le Williame Cokburne of Hinderland, hes menit[3] him to ws, þat he is havelie hurt throu þe haiſty juſtyfeing[4] of his ſaid fader, and fforfalting of him þairthrow: And þairfore deſyres to have þe autentik copy of þe DOME and SENTENCE gevin aganis his ſaid fader, and of all actis and proteſtatiounis takin be him at þat tyme; ſa þat he may prouide for ſum remeid þairin. QUHARFORE, ȝe ſall geif to him, vpoun his expenſſis, þe autentik copy of þe Dome, Sentence, and proceſs led and gevin aganis his ſaid fader in maner foirſaid, to þe effect abone writtin. As ȝe will anſuere to ws þairupoune, kepand þis Precept for ȝoure Warrant. SUBSCRIUIT with oure hand, At Edinburgh, þe xxij day of Januar, the ȝeire of God I^m V^c xlij ȝeris. JAMES G^R.[5]

Taking Black Maill.

Maii 18.—ADAM SCOT of Tuſchelaw, Convicted of art and part of theftuouſly taking *Black-maill*, from the time of his entry within the Caſtle of Edinburgh, in Ward, from John Brovne in Hoprow: And of art and part of theftuouſly taking *Black-maill* from Andrew Thorbrand and William his brother: And for art and part of theftuouſly taking of *Black-maill* from the poor Tenants of Hopcailȝow: And of art and part of theftuouſly taking *Black-maill* from the Tenants of Eſcheſcheill.—BEHEADED.

[1] Quarto, Printed for Bannatyne Club, 1830, p. 141. [2] *Sir James Balfour* also notices the circumstance, but as is often the case in his Annals, gives a wrong date, viz. Jul. 27, and *Calderwood's* MS. Church History makes the same mistake. [3] Complained. [4] Execution; putting to death. [5] James, Governor of Scotland, viz. JAMES EARL OF ARRAN, Lord Hamilton, REGENT.

Border Barons — Neglect to fulfil their Bonds, &c.

[It is necessary for the right understanding of many of the proceedings which follow, that the reader should bear in mind the public events which gave rise to so remarkable a step as the levy of a large Army, under the command of THE KING in person, for the sole purpose, apparently, of suppressing a handful of BORDER THIEVES. In the preceding Trials, however, it has been seen that the state of the Borders of Scotland was so lawless, and the Chiefs so refractory and turbulent, that nothing short of the strongest coercive measures was likely to be of the least service towards restoring a better state of society among the Borderers.

The open Treason and revolt of THE EARL OF ANGUS, and the constant jarring and jealousies among the Barons, rendered the appointment of a Lieutenant inexpedient. It was therefore deemed necessary, for establishing tranquillity, that THE KING in person, accompanied by a very strong force, should suddenly march towards the Borders, and quell, by the strong arm of the law, all those who had not willingly come forward and given their Bond, with sureties under heavy penalties, to 'keip gud reule within their respectiue boundis.' The particulars now drawn from the Records of the Supreme Criminal Court are of considerable historical importance, and to the genealogist as well as the historian, must afford valuable information.

Bishop Lesley[1] gives this brief but striking narrative. After detailing the execution of *the Lairds of Henderland* and *Tuschelaw*, he proceeds: 'The same day THE ERLE BOITHUELL wes convict for manteyning of thame, and for certain uther crymes; and thairfoir wes in the Kingis will: For the quhilkis, the King caufit Ward him in the Caftell of Edinburgh. Thairefter he wes fend in Murray; and laft, banieft Scotland; fua that he travellit to Venice, quhair he remanit during the Kingis lyve tyme. Alfua, *the Lord Maxwell, Lord Hume, Larde Baleleuch, Farnyhirft, Pollock,*[2] *Johneftoun, Mark Ker*, and uther principallis of THE BORDOURIS, wes convict be Affyffis, and all put in Warde; quhair throwcht the Bordouraris keipit better reule thairefter, fa lang (as) the King wes one life.'

Sir James Balfour,[3] after mentioning the proceedings against Earl Bothwell, says, 'this fame yeir, lykwayes, THE KING impriffons *the Lords Maxfwoll* and *Home*, with *the Lairds of Buccleuch, Fernihurft, Pollard*,[4] *Johnfton*, and *Marke Ker*, as CHEIFFS of the Brokin men in the Borders; and becauffe they had winked at their willanies, and giuen them way; quheras they, by ther pouer and authoritey, might have reftrained them.' *Anderfon*[5] alfo remarks: 'The 17 day of the Callendis of May, eftir lang difputatioun in Counfall, continewit till nicht, THE KING Wardit *the Earle Bothwell, Robert Maxwell, Walter Scott*, and *Mark Ker*, within the Caftell of Edinburghe, and all the honeft men[6] of *Marche* and *Teviotdaill*, heir and thair throw the countrey, ffor that he beleivid that thay fecreitlie fould rayfe weir betuixt the realmes.'[7]

After having perufed the preceding brief remarks, the reader will be enabled more fully to appreciate the following valuable particulars communicated in the Record.]

May 18.—The following perfons found furety to enter, when required, before the Juftice, to underly the law for all crimes to be imputed to them: And for which they fubmitted themfelves to the Kingis will: And alfo, for not doing their utmoft diligence to fulfil their Bonds, &c.

[1] Original History from which the Latin version was translated, printed for the *Bannatyne Club*, 1830. [2] It is likely that this is a mistake for '*Polwort*,' (Alexander Hume.) *Sir James Balfour* states the name '*Pollard*,' (Pollart.) [3] Annales, I., 261. [4] Polwart. [5] MS. Advocates' Library. [6] Men of substance and consideration. [7] Viz. of England and Scotland, their lawless proceedings on the Borders, &c. There seems to have been good reason for apprehending such a result; which would assuredly have occurred but for the vigorous measures thus resorted to.

Barons and Lairds of Roxburghe.

Robt Scott, Tutor of Howpaſlot,	John Scott of Burthauch,	George Rutherfurde of Hundolee,
Geo. Douglas of Bone-Jedworth,	John Scott of Robertoun,	Nicholas Rutherfurde, his ſon,
James Douglas of Cavers,	Adam Kirktonn of Stewartfeild,	Adam Greymſlaw of Newtoune,
Andrew Ker of Gradane,	George Ormiſtoun of that Ilk,	William Turnbull of Mynto,
Lancelot Ker of Gaitſchaw,	John Cranſtoun of that Ilk,	Symon Scot of Fenyk,
Walter Ker of Cesfurde,	Philip Scot of Edſchaw,	George Fawlo of Wallis,
William Scot of Haſſindene,	Robert Scot of Allauchalis,	George Ker, Tutor of Cesfurde.

Barons and Lairds of Berwickshire.

Wal^r Halyburtoune of Mertoune,	Robert Franche of Thornydykis,	The Laird of Redepethe,[1]
William Cokburne of that Ilk,	Ninian Thornſyde of Eaſt Neſbet,	Robert Lauder of that Ilk,
Philip Neſbet of that Ilk,	Sir N^n Setonne of Tulibody, kn^t,	John Swyntoune of that Ilk,
Oliver Edgare, Tutor of Wedderlie,	Alexander Ellen of Butterdene,	Jaſper Cranſtoune of Corſby.

John Hume of Coldaneknowis came in the King's will, for intercommuning with James Ker, rebel, and was Warded in the Caſtle of Blakneſs.—George Lord Hume was amerciated 500 merks for not entering George Hume of Aytoune.—Patrick Lummisdene of Blenerne came in will for intercommuning with George and Archibald Douglas, Rebels, and was Warded in the Caſtle of Blackneſs.—Alexander Hume of Polwort was Warded within the Caſtle of Dumbartane.—David Rayntoune of Bille was Warded within the Caſtle of Dumbartane.—George Lord Hume was Warded within the Caſtle of Edinburgh.

'Williame Turnbull of Mynto, in preſens of þe Kingis Grace, and Lordis of his Counſale, promittit, and band and obliſt him, efter þat Alexander Berthilmow had gevin in his Supplicacioune, makand mentioun, þat þair wes certane horſe and vþeris gudis ſtollin fra him, vnder ſilence of nycht, be certane of þe Turnbullis, duelland one þe Watter of Rowle, and in ſpeciale, be ane callit . . . . . Turnbull of Catlie, for quham þe ſaid Lard of Mynto become plege and ſouerte in þe laſt Juſtice-are of Jedburghe, for gude reule to be had be him in tyme cuming: Like as his Band in þe buke of Adjornale for þe ſaid . . . ., ſchewin and producit þairvpoun proportis, þat he ſuld mak reſtitucioune of þe ſaidis guidis, or tak and bring him to oure ſouerane lordis lawes; and failȝeing þairof, to byrne his houſe, expell and hald him furth of þe cuntre.'

May 19.—The following Barons and Lairds found caution to enter before the Juſtice, on a warning of fifteen days, to underly the law for all crimes to be imputed againſt them; viz.

Barons and Lairds of Peebles-shire.

John Lord Hay of Ȝeſter,[2]	John Tuedy of Drummelȝeare,[3]	Mr John Hay of Smeithfeild,
William Murray of Romannoſe,	William Guvane of Cardrono,	Patrick Portuus of Halkſchawis,
William Stewart of Trakware,	William Vache of Dawik,	Alexander Tayt of Pyrne.
Tho. Myddilmaiſt of Greſtoune,	John Sandelandis of that Ilk.	

[1] John Lile of Stanypethe also found security. [2] Amount of caution, L. 1000. [3] The remainder found caution to the extent of 500 merks each. These sums, it will afterwards be seen, were rigorously exacted from the defaulters.

BARONS AND LAIRDS OF SELKIRKSHIRE.

Rob. Turnbull, Tutour of Philiphauche, Patrick Murray of Fawlohill, William Hunter of Polmude,[1]
Andrew Baroune, John Vache, Robert Watſone.

Slaughter.

May 20.—JOHN CUNYNHAME of Caprintoune, Alex. C. of Luglane, Adam Stewart of Schawtoune, Adam C. of Clavanis, and fourteen others.—Their cautioners were amerciated for not producing them to underly the law, for art and part of the cruel Slaughter of John Tod.—(May 21.) They were denounced rebels, along with David Boſwell of Auchinleek, for this crime.—(May 23.) Hugh Campbell of Lowdoune became ſurety for John Gibſone and eight others, to appear and underly the law for the ſame ſlaughter, at the Juſtice-aire of Air.

Forethought Felony and Oppression, &c.

May 23.—WILLIAM CUNYNGHAME of Glengarnok, David C. of Robertland, and thirty-ſeven of their followers, found caution to appear at the Juſtice-aire of Air, to underly the law for art and part of the forethought felony and oppreſſion done to Gabriel Sympill, lying in the high-way, 'in feir of weir,' near Ormyſheuche, awaiting his arrival, for his Slaughter, of forethought felony and old Feud.

[*Archibald Earl of Argyle, Juſtice-General.*]

Wilful Error on an Assise.

June 25. (*apud Striueling, die Sabbati.*)—The LAIRD of PHILLORTH,[2] the young Laird of Buchquhane,[3] Mr Andrew Tulydeſ,[4] Alexander Leſly of Kincragy,[5] William Spens of Bodom,[6] Patrick Keith of Inchegarnock,[7] Henry Leſlye of Buchaniſtoune,[8] John Chalmer,[9] William King of Bourtry,[10] Archibald Keyth of Northfeild,[11] James Ord in Banff,[12] Andrew Bruce of Braklamure,[13] and William Quhite in Aberdour,[14] found caution to appear before the Juſticiar at Edinburgh, Aug. 5, to 'thole' a great Aſſyſe for their unjuſt Acquittal of John Dempſter of Auchterleſs, and his accomplices, delated for art and part of the cruel Slaughter of Patrick Stewart, and of certain perſons, for the Mutilation of William Downy.—Aug. 5. They found caution to underly the law at the next Juſtice-aire of Aberdeen.

The Laird of Johnstoun's Offers to the King.

Aug. 9.—'THE quhilk day, in preſens of þe KINGIS grace, Robert Char-

[1] Caution, L.1000. [2] Alexander Fraser, who found George Gordoune of Geicht as surety for him to the extent of L.1000. [3] 1000 merks. [4] 500 merks. [5] 500 merks. [6] 1000 merks. [7] 1000 merks. [8] 500 merks. [9] 500 merks. [10] 1000 merks. [11] 1000 merks. [12] 500 merks. [13] 500 merks. [14] 500 merks.

teris of Amysfeild, and Walter Scot of Branxholme, kn[t], become fouerteis for Johne Johnstoun of that Ilk, that, forfamekill as his hienes admittit þe faid Johnnis Offeris gevin to his hienes, fubfcrivit with his hand, þat þai fuld entir him agane, within xv dais warnyng, quhare þe Kingis grace plefit, or before his Juftice, to be accufit, gif he failȝeis of ony of his Offeris: And bayth þe faidis Lordis has fubfcriuit þir prefentis with þair handis, day and ȝere forfaid, before þir witnis, Robert Lord Maxuell, Malcolme Lord Flemyng, Williame Hammiltoune of Sanchare-Lindefay, and me, notar vnderwrittin, with vþeris diuerfe.'

Letting two Thieves escape from Ward.

Aug. 17. (*apud Linlithgow.*)—John Lord Hay of ȝester became in the Kingis Will, for negligence committed by Mr John Hay his brother, in outputting Adam Nykfone, and one called Elwald, common Thieves,[1] given to him in cuftody by the King, in name of the faid Lord Hay of ȝefter, as Sheriff-principal of Peebles.—The Juftice commanded him to Ward within the town of Linlithgow, until his Majefty's will fhould be declared.

Slaughter of the Laird of Castlecary.

Aug. 19. (*apud Linlithgow.*)—John Kere convicted of the Slaughter of vmq[le] Archibald Levingftoun of Caftlecary.—Beheaded.

Slaughter of the Laird of Duffus.

Sept. 3.—Mr Thomas Stewart, Treafurer of Caithnefs, Mr Andrew Petre, Vicar of Wick, Mr John Irland, Sir John Symfone, William Murray, fenior, and Hugh Grot, chaplains, Mr John Thomfon, Rector of Olrik, Sir David Rede, and Sir William Irwin, chaplains, found caution (John Earl of Athole) to appear at the Juftice-aire of Inverneefs, to underly the law for art and part of the cruel Slaughter of William Sutherland of Dufhoufe (Duffus),[2] and other perfons flain at the fame time.

Slaughter of the Laird of Meldrum.

Oct. 10. (*apud Dundee.*)—John Master of Forbes found caution (John Lord Forbes) for his appearance, along with Ninian Forbes, John Caldore,

[1] On Aug. 27, Mathew and William Nyksone, Robert Nobill, and *Robert Elwald*, were convicted of common theft at Linlithgow, and Hanged. [2] 'The fame ȝeir of God (1529), Andrew Stuart, Bishop of Catteynes, vpon some conceaved difpleafure which he had receaved, moved the Clangun to kill the Laird of Duffus in the toun of Thurfo, in Catteynes. Vpon this accident the haill dyocie of Catteynes wes in a tumult. The Earle of Southerland did affift the Bifhop of Catteynes againft his adverfaries, by reafon of allyance contracted betuixt the houfes of Huntley, Southerland, and Atholl,' &c. *Sir R. Gordon's Hist. of the Family of Sutherland*, p. 102.

and Donald Makky, at the Juſtice-aire of Aberdeen, to underly the law for art and part of the cruel Slaughter of Alexander Setoune of Meldrum.[1]

On Auguſt 27, the following persons were amerciated for not appearing to enter on the ASSISE of JOHN LORD FORBES, for the ſame crime.

Wm. Gordoune of Auchindone,	J. Gordoune of Culquhodilſtane,	William Gordoun of Auchinge,
William Lyonne of Colmelegy,	Alexander Troup of Begiſhill,	John Dempſtar of Ouchterleſs,
John Dempſter of Murehouſe,	David Crukſchank of Durlee,	Thomas Colplaud of Vdauche,
Gilbert Dalgarns of that Ilk,	Patrick Meldrum of Edane,	Thomas Tullo of Moncoffer,
Robert Downe of Raty,	Walter Ogiluy of Cragbone,	Andrew Orde of that Ilk.
The Laird of Knox,	The Laird of Auchnacoy,	

Feud between Crawfords and Kennedies.

Nov. 29, (*apud Perth.*)—JOHN BRYANE and Allan Cathcart found John Crawfurd of Drongane, and Quintine Schaw, Tutor of Keris, to appear at the Juſtice-aire of Air, to underly the law for art and part of the Theftuous ſtealing of ſixty oxen and cows from James Kennedy of Blarequhanne, from his lands of Halfpennylands, and ſixty more from his lands of Schenvene.

Crawfords and Kennedies—Cattle and Horse Stealing, &c.

Dec. 5.—JOHN KENNEDY of Giletree, Patrick Mure of Cloncard, and fifty-eight others, found James Kennedy of Blarequhanne as ſurety for their appearance at the Juſtice-aire of Air, to underly the law for art and part of the theftuous Stealing, under ſilence of night, from John Craufurd of Kerehill and his ſubtenants, forth of his lands and dwelling of Kerehill, ſix ſcore oxen and cows, ij^{c} ſheep, and ſix horſes and mares: And for common oppreſſion thereby done to the ſaid John and his ſubtenants.—JAMES KENNEDY of Blarequhanne alſo finds Patrick Mure of Cloncard as his ſurety to appear and anſwer for the ſame crimes.

Intercommuning with Rebels.

Dec. 5.—PATRICK MAXWELL of Newark, William Strineling of Glorat, Mariota Maxwell, Lady Bardowy, Andrew Strineling of Bankere,[2] Margaret, John, and Stephen Spreull, Thomas Culquhoune of Kirktoun, and John, his brother, fund ſurety to appear at the Juſtice-aire of Dumbarton, to underly the law for Intercommuning with Alan Hammiltoune of Bardowy, Alan Grahame, and Hugh Grey, Rebels and at the horn, for art and part of the Slaughter of Alexander Hamilton, young Laird of Auchinhowy, and Keſſane Williamſoun, his ſervant.[3]

[1] The Master of Forbes afterwards confessed this Slaughter on the scaffold. See his Trial, I. p. 183 *
[2] At the same diet he also found surety to underly the law for the Slaughter of John Makcalpy, at the same Justice-aire. [3] Ninian, Lord Ross, John Cochrane of that Ilk, John Houstoune of that Ilk, Walter Galbrayth of Garscaddane, and George Buchanan of that Ilk, were amerciated for not entering on the Assise.

Slaughter of the young Laird of Conhaithe.

Dec. 15.—William Sinclare of Auchinfrank,[1] Roger Gordoune, and George Neilſone, found ſurety (James Douglas of Drumlanrig) to underly the law, at the Juſtice-aire of Dumfreis, for art and part of the Slaughter of Harbert Maxwell, young Laird of Conhaithe.—(Feb. 1, 1530-1, *apud Edinburgh.*) James Maxwell, brother to Robert M. of Conhaithe, failed to appear and underly the law, for art and part of the cruel Slaughter of John Chalmer. Robert Lord Maxwell, his cautioner, was amerciated 100 merks.—(Feb. 4.) He was denounced Rebel and put to the horn.

[*Archibald, Earl of Argyle, Juſtice-General.*]

Murder of James Inglis, Abbot of Culross.

[The following Trial excited great interest at the time, and is thus recorded by *Bishop Lesley* in his valuable History:[2]—'Apoun the firſt day of Marche, in the ſame year, The Abbot of Culrose, callit *James Inglis*, was creually ſlaine be The Lord (Laird) of Tullyallan and his ſervandis; amangis the quhilkis thair was ane Preiſt, callit Sir William Louthien, quha, beand comprehendit,[3] the ſaid *Sir Wiliame*, one the xxvij day of the ſame moneth, apoun ane publict ſkaffald, in the toun of Edinburgh, was degradit, the King, Quene, and a greit multitude of people beand preſent; and he preſentlye delyverit to the Erle of Argyle, heid Juſtice: And one the nixt day thaireftir, the ſaide Tullyallane and he wes heidit thaireftir.'—*Sir James Balfour*[4] is not so minute, merely noticing the circumstance thus. '*The Laird of Tulliallane* was beheidit the firſt day of Marche, for killing *Mr James Inglis, Abbot of Culroſſe*; and with him *a Mounek* of the ſame Abbey, a cheiffe author of the Abbot's ſlaughter.]

Mar. 28, 1531.—John Blacater of Tulyalloune, and William Louthiane (formerly Sir William, degraded from his orders), Convicted by an Aſſiſe of art and part of the cruel Slaughter of James Inglis, Abbot of Culroſſe, committed upon forethought felony.—Beheaded.

Murder of the Abbot of Culross—Sanctuary of Torphechin.

(Mar. 28.)—Robert Manderstoune, James Mechell, and Williame Hutoune, were accuſed of the ſame Murder, and were acquitted of forethought felony at the time of the Abbot's Murder. Wherefore they were restored to the privilege of the Sanctuary of Torphiching by the Juſtice General, and judicially delivered to George Lord St John, Maſter of the ſaid Sanctuary.

Common Theft.

Mar. 28.—Patrick Dowglass, David Blynſkale, and Andrew Elwald, Convicted of Common Theft.—Hanged.

[1] Beatrix Gordoun, his spouse, was also delated for the same crime, and pleaded sickness, Feb. 1, 1530-1. [2] The Original Scottish MS., from which the Latin version was compiled has recently been printed by the Bannatyne Club; Quarto; 1830. [3] Apprehended; taken. [4] *Annales*, I., 261. . The Editor does not find the particulars of this Slaughter detailed by any of our historians, nor can he discover the causes which led to the Murder. It is obvious, however, from the quotations already given, that it had excited an intense interest at the time.

Caution to enter the Laird of Branxholm in Ward.

Mar. 27.—SIR JAMES HAMMILTOUNE of Fynnert, kn^t, became ſurety (in like manner as Robert Lord Maxwell and John Johneſtoune of that Ilk had become to the King for the entry of John Scot, ſon and heir of Walter Scot of Syntoun, and William Scot, ſon and heir apparent of Robert Scot in Allanehalche, being now in Ward within the Caſtle of Borthuik,) for SIR WALTER SCOT *of Branxholme, knycht*, to enter him in Ward within the ſaid Caſtle, whenſoever it pleaſes the King, under the pain of 500 merks. And the ſaid Sir Walter bound himſelf to free Sir James of his caution and pledge.

Notice relative to 'Johnnie Armstrang'—Common Theft—Reset of Theft, &c.

[THERE have already been laid before the reader[1] various particulars relative to THE BORDER RAID, led by the King in person. Among other interesting circumstances connected with the Expedition, perhaps none is more remarkable than the capture and execution of the famous JOHNNIE ARMSTRANG. The Editor begs to refer to the *Minstrelsy of the Scottish Border*[2] for a general outline of the History of the CLAN or sept of ARMSTRONG, a lawless and disorderly race, which for a long period kept both sides of the Border in a ferment. It is only necessary to notice here, that the Chief of this Clan was the LAIRD OF MANGERTOUN. Johnnie Armstrang (commonly styled *of Gilnockie*) was brother to the Laird, and resided near Langholm, in Gilnockie Tower, at the Hollows, a place still resorted to, and highly distinguished for the romantic beauty of its scenery.

The state of the country adjoining the Borders was such that KING JAMES V considered it necessary to raise a large Army, and to proceed in person to execute vengeance upon 'the Theives and lymmaris,' and to bind down the Barons to observe 'gude reull within thair boundis.' This he executed to such good purpose, that it is still proverbial in these districts, that for a long time after that Expedition he 'made the raſch buſs keip the kow!'

In relation to JOHNNIE ARMSTRANG, it is somewhat singular that the circumstances, as they are detailed in the popular ballad or song, are substantially correct; and there cannot now be a doubt that he was most basely betrayed and put to death, even without the mockery of a form of Trial.[3]

As the most striking and forcible manner of laying the facts before the reader, the Editor thinks it proper in this place to subjoin some graphic accounts, as given by early writers. The first which need be cited is that contained in *Anderson's* MS.[4] After noticing the proceedings against Earl Bothwell, &c. he states as follows:—

'Himſelf (the KING) about the moneth of July,[5] gathering togidder about aucht thowſand men, tuik jornay to repres THE THIEVES. And paſſing fordward with grit expeditioun, campid wpone the watter Ewes.[6] Not far fra that duelt JOHNNE ARMESTRANG, ane Capitane of ane factioun of Theives. This companioun was ſo feirfull[7] to his nichtbouris that evin Engliſmen, many mylis within the contray, payid tribut[8] wnto him. *Maxwell* himſelf feirid his power, and ſocht all meanes poſibill for his diſtructioun. Johnne, intyſid be THE KINGIS ſervandis, forzeting to ſeike a Letter of Protectioun, accompanyed with fiftie horſmen, wnarmed, cuming to THE KING, lichtit vpone ſum outwatches, quho alledging thay had taikin him, brocht him to THE KING; quho preſentlie cawſit hang him, with a great number of his complices. The authoris of his ſlauchter brooted[9] that he had promiſed to mak certane myllis in Scotland[10] subject to England, gif he war honorid and recompenſid for the turne; quhill as England,

[1] See Notices to May 16, and May 18, 1531. [2] *Sir Walter Scott's* Poetical Works, 8vo. 1821, I. 107, &c. [3] 'About this tyme, THE KING marches to the feilds with his Army, surwayes the Borders, apprehends 48 of the principallest rogues and cuthrottis, with their leader JHONE ARMESTRANGE, and hanges them all.' *Balf. Annales*, I. 261. [4] Advocates' Library. [5] A mistake. It was in May. [6] 'Even' interlined. [7] Terrible; an object of fear or dread. [8] Black maill. [9] *Bruited*, reported. [10] Part of the Debateable land, extending several miles.

be the contrair, was verrie glaid of his death, being delyuerid of a capitall enemy. Sax of his complices war reſervid for hoſtagis; and for[1] that the keiping of thame ſtude in no ſteid, after they had impriſoned them a few monethis, they cawſid execut thame alſo; and ſutid new pledgis of theiſe that remaynid at hame. Thay of Liddesdaill refuiſing their awin howſſis, paſt into England bag and bagaidge, and be daylie incurſiounes ranſactit the contreyis lying neir vnto thame.

'Within fewe dayis eftir, the King, reſſaveing hoſtages for the Nobilmen, releivid themeſeluis furth of waird; of quhom Walter Scott, to gratiffie the King, flew *Robert Johnſtoun*, ane verrie crewall Thief; quhairbe he incurid deidlie feid with that Hous, quhilk continewit, to the grit harme of baith the Clanes, long eftir.'

Calderwood's account of the matter is hardly so minute,[2] being as follows:—

'In the month of Julie (1531)[3] the King went with ane Armie of 8000 men to Ewesdaile to aprehend and punith Theeves. John Armistrang, a notable Theefe, who had compelled the Engliſh to pay him *Black-male*, and was terrible to *the Lord Maxwell* himſelf, when he was comming to the King, intiſid be ſome courtiours, bot without a ſave conduct, he was intercepted by 50 horſemen lying in an ambuſh, and brought to the King, as if he had bein aprehendit by them againeſt his will. He and a great number of his companie war hanged one grouing trees. His takers, to make him the more odious, alledged that he had promiſed to raunder ſo manie miles of Scotiſh ground nixt adjacent to the Borders, bot the Engliſh war well content to be ridd of him. The Liddisdail people fled into England, bot troubled the countrie with Raides.'

The accurate *Bishop Lesley*[4] gives but a brief narrative of the event. He says—

'All this ſummer the King tuik greit care to paciefie the Bordouris, and puneis the Theivis and Oppreſſoures being thairon. And to that effect, in the moneth of Junij, he paſt to the Bordouris with ane great Army; quhair he cauſet xlviij of the maiſt nobill Theivis, with Johne Armestrange thair Capitane, be tane; quha, being convict of Thift, reiff, flauchter and treaſſoun, war all hangit apoun growand treis; and thair wes ane notabill Thiff brint, quha had bruut ane hous with ane woman and mony her barnis[5] being thairintill. Yet *George Armeſtrange*, broder to the ſaid Johanny, wes pardonit and reſervit levand to tell of the reſt, like as he did; quha, within proces of tyme, wer apprehendit be the King, and puniest accordinge to thair deſertis.'

But the most circumstantial and curious relation is that given by *Lindesay of Pitscottie*, with which this notice shall be closed.

'To this effect he gave chairge te all Earles, Lordis, Barrones, frieholderis and gentlemen to compeir at Edinburgh with ane monethis victuall, to pas with the King to daunton the Theives of Tevidaill and Annerdaill, with all vther pairtis of the realme. Alſo, the King deſired all gentlmen that had doggis that wer gud to bring thame with thame to hunt in the ſaidis boundis; quhilk the moſt pairt of the Noblmen of the Highlandis did, ſik as the Earles of Huntlie, Argyle, and Atholl, who brought thair deir-houndis with thame, and hunted with his Majeſtie. Thir Lordis with many other Lordis and Gentlmen, to the number of tuelf thouſand men, aſſemblet at Edinburgh, and thairfra went with the Kingis grace to Meggatland, in the quhilkis boundis war ſlaine, at that tyme, aughteine ſcoir of deir.

'Eftir this hunting the King hanged Johne Armstrang, *Laird of Kilnokie*, quhilk monie Scottis menne heavilie lamented, for he was ane doubtit[6] man, and als guid ane Chiftane as evir was vpoun the Borderis, aither of Scotland or of England. And albeit he was ane lous leivand man, and ſustained the number of xxiiij weill horſed able gentlmen with him, yitt he nevir moleſted no Scottis man. Bot it is ſaid, from the Scottis Border to New Caſtle of Ingland, thair was not ane of quhatſoever

[1] In regard that; considering. [2] Church Hist. MS. Adv. Lib. David I. 2. 31, Vol. I. [3] He follows *Buchanan*, &c. The date was May 1530. [4] Bannatyne Club Edit. printed from Orig. MS. of the Scottish copy, from which the Latin translation was made. *Quarto*, 1830. [5] Children. [6] Redoubted.

eſtate bot payed to this Johne Armſtrang ane tribut, to be frie of his cumber, he was ſo doubtit in Ingland. So, when he entred in before THE KING, he cam verrie reverentlie with his forſaid number, verrie richlie apparrelled, truſting that in reſpect he had cum to THE KINGIS grace willinglie and voluntarlie, not being tane nor apprehendit be THE KING, he ſould obtaine the mair favour. But when THE KING ſaw him and his men ſo gorgeous in thair apparrell, and ſo many braw men vnder ane tirrantis commandement, throwardlie[1] he turned about his face, and bad tak that tirrant out of his ſight, ſaying, 'Quhat wantis yon knave that a King ſould have?' But when *Johne Armſtrange* perceaved that THE KING kindled in ane furie againes him, and had no hope of his lyff, notwithſtanding of many great and fair offeris quhilk he offered to THE KING; that is, that he ſould ſuſtene him ſelf with fourtie gentlemen, ever readie to awaitt vpoun his Majeſtie's ſervice, and nevir to tak a pennie of Scotland, nor Scottis man; ſecondlie, that thair was not ane ſubject in Ingland, Duik, Earle, Lord, or Barroun, bot within ane certane day he ſould bring ony of thame to his Majeſtie, either quick or dead! He, ſeing no hope of THE KINGIS favour towardis him, ſaid verrie proudlie, 'I am bot ane fooll to ſeik grace at ane graceles face! Bot had I knawin, Sir, that yea would have takin my lyff this day, I ſould have lived vpoun the Borderis in diſphyte of KING HARIE and yow baith!—for I knaw KING HARIE wold doun-weigh my beſt hors with gold to knaw that I war condemned to die this day!' So he was led to the ſcaffold, and he and all his men hanged. This being done, THE KING returned to Edinburgh the xxiiij day of Julij, and remained meikle of that winter in Edinburgh.'

The place where this execution took place is still pointed out to strangers, being at *Carlenrig Chapel*, about ten miles above Hawick, on the high road to Langholm. *Sir Walter Scott* adds, 'the country people believe, that, to manifest the injustice of this execution, the trees[2] withered away! *Armstrong* and his followers were buried in a deserted churchyard, where their graves are still shown.'[3]

With the following interesting extract from the Books of THE PRIVY SEAL of Scotland, the Editor will conclude this Notice, which has extended to a greater length than he had anticipated.

'(Jul. 8, 1530.)—ANE LETTRE maid to ROBERT LORD MAXWELL, his airis and aſſignais, ane or ma, of þe GIFT of all gudis movabill and vnmovabill, dettis, takkis, obligationis, ſovmes of money, giftes of nonentres, and vþeris quhatſumeuer, quhilkis pertenit to vmquhill JOHNNE ARMSTRANGE, bruþer to *Thomas Armſtrang of Mangertoune*, and now pertenyng to our ſoverane lord be reſoune of eſchete throw JUSTIFYING of þe ſaid vmq[le] JOHNNE to þe deid for Thift committit be him, &c. (*At Preiſtiſhauche, per Signaturam* REGIS *et Theſaurarij manibus ſubſcript.*)'

It is hardly necessary to remark, that the persons who occur in the following memorandum, preserved in the Justiciary Records, must have been taken long after this remarkable transaction.][4]

Apr. 1.—JOHN ARMESTRANG, '*alias Blak Jok*,' and Thomas his brother, Convicted of Common Theft, and Reſet of Theft, &c.—HANGED.

Oppression and frauds committed by Messengers at arms.

Apr. 29.—JOHNE ADAMSOUN, David Lowry, and twenty-three others, Meſſengers at arms, 'CONVICT be ane Aſſiſe, for commoun Oppreſſioun done be þaim to our ſouerane lordis liegis, in executioun of þair offices, mony and diuerſe wais: And ſpecialie, quhen þai mak ſummondis vpone perſonis to paſs vpone Inqueſtis or Aſſiſe, þai ſell, takkis buddis[5] and rewardis of Gentill menne, and cauſſis þaim to abide at hame; and in defalt of ſufficient novmer, þe perſonis þat

[1] In displeasure, in a *thrawin* or *crabbit* humour, frowardly. [2] The growing trees on which they had been hanged. [3] *Minstrelsy*, I. 120. [4] See Trials of various of the Armstrongs, Oct. 30, 1535, Feb. 21, and Mar. 13, 1535-6. [5] Take gifts or bribes, corruptly.

rafe Letteris tynis[1] þe famyne and þair geir, coftis, and expenfis maid vpone þe famyne: And þai fummond and cauffis cum furthe povr and fimple perfons þat has na thing to gif þame to lat þaim abid at hame, quhilkis has na knaulege to decide vpone ony doutfum materis: And for commone Oppreffouris of our fouerane lordis liegis, in taking of buddis and rewairdis, mair þan pertenis to þame, be refone of executioune of þair office.'

Messenger falsifying his Execution — Taking bribes, &c.

Androw Marsar, Meffinger, 'Convict be ane Affife for þe reffaveing of our fouerane lordis Letteris fra Johne Striueling of þe Kere, kn^t^, for to put in his pleuche in þe landis of Kynloch, and to remove all vþeris þairfra; and reffauit worthe xx li. for his laubouris. Quhilk executioune he grantit to haue maid, and indorfate þe famyn vpone þe faidis Letteris, and put his fignete þairto: And þairefter, be vþer follicitatioune, come in prefens of þe Lordis of Counfale, and grantit þe faid indorfatioune, and denyit þat he maid þe Executioune. For þe quhilk, þe faidis Lordis, herand him grant his avne falffet, gart put him in þe Caftel of Edinburghe as ane faltour, becaus in þair prefens he grantit his avne falfet, as faid is.'

Masterful Reiving and Oppression by a Messenger.

Androw Murray, Meffinger, 'Convict for art and part of þe Maifterful Refe and Oppreffioune done to Johne Maxwell in þe Haltoune of Ogiluy, in þe maifterfull refe fra him of ane blak horfe and ane mare furth of þe Haltoune of Ogiluy, and had þame away, and fald and difponit þaim as he plefit.'

'Dome' against Messengers who were 'fugitive from the Law.'

Williame Cristesoune and eleven others, being 'fugitive from the law,' the following 'Dome,' or fentence, was pronounced againft them.

Sentence *againft the fugitive Meffengers.*

'The Lords Ordanit, þat fforfamekill as þe faidis perfonis quhilkis wer fugitive þe faid day, and comperit nocht, þat þai haue tynt,[2] and fall tyne, þair offices, and neuer to brouk nor vfe þe famyn in tyme to cum; and þat oppin proclamatioun be maid at þe Mercate croce of Ed^r^, one Mononday nixt to cum; chargeing þaim, þat nane of þaim exerce nor vfe þair officis in tyme cuming, becaufe þai wer chargeit to haue comperit befor þe Juftice or his deputis þe faid day, to haue vnderlyin ane Affyfe, and failȝeit þairintill. And alfe, þat Letteris be writtin to charge þe faidis perfonis quhilkis wer Officiaris, to compere and vnderly þe law, before þe Juftice or his deputis, in þe Tolbuth of Ed^r^, þe xxvij day of Maij nixt to cum, for certane crymes to be imput to þaim, vndir þe pane of rebellioune, and putting of þame to þe horne. And gif ony of þaim beris our fouerane lordis Armis,[3] or makis

[1] Lose. [2] Lost. [3] Each Messenger-at-arms had a badge called his *blazon*, on which was prominently stamped the Royal Arms. This official badge, together with his baton, or 'wand of peace,' as it was termed, he required openly to produce and exhibit at all poindings, and in cases of deforcement, &c., in proof of his office. See Nov. 18, 1511; Oct. 11, 1531. (*Notice*); and Jul. 23, 1566 (*Note*), for farther particulars.

Executioune of ony maner of Letteris or chargis in tyme to cum, thai falbe tane incontinent, HANGIT and drawin, and demanit as oppin traytouris, and vſurperis of our ſouerane lordis autorité. And that þe ſaidis perſonis be callit before our ſouerane lordis Juſtice or his deputis, þe ſaid xxvij day of Maii nixt to cum, to vndirly þe law for certane crimes to be imput to þame, as ſaid is. ITEM, it is ſtatute and ordanit, þat all Officiaris þat reſſauis ony Letteris of panys or lauborrowis, þat incontinent eftir þair executioune þairof, deliuer þaim again to þe Juſtice Clerk indorſate; with certificationne to þaim, þat and[1] þai failȝe þairintill, þat our ſouerane lordis Letteris ſalbe tane fra þame incontinent, and (þai) ſal tyne þair officis for euer in tyme to cum.'

Violence committed by the Prior and Convent of Pittenweem—Slaughter.

[THE prosecutions and the Feuds which are noticed in the three subsequent entries, arose from the following circumstances, which, being illustrative of the spirit of these times, the Editor thinks it may be interesting to state rather more fully than usual. The assignees to the tack of the mill and eighty acres of the lands of Pittenweem, having sued before the Lords of Council, their Lordships, with consent of John, the PRIOR, and Mr Robert Forman, Dean of Glasgow, the USUFRUCTUARY of PITTENWEEM, ordained that Andrew Wood, and failing him, one of the King's Officers, should gather the corns growing on the lands, until the final decision of the suit. The King's Officer (Lawrence Bickerton, a Messenger-at-Arms) attempted to serve his Letters upon THE PRIOR, on Sep. 7th, who directed him to delay taking any steps for cutting down the crop until the next day. In the meantime, the Prior set off for Edinburgh; and on Bickerton's return on the 9th, the Sub-Prior and Convent threatened him in the most violent manner. He reports in his *Execution of Deforcement*, that they said 'þai wald deforce him, and baid him depairt, or ellis his feit fuld be worthe xxiiij pair of handis!' On the 11th, he again went to gather and lead in the corns, when he found the Sub-Prior and his servants busily engaged in reaping them, and who again threatened personal violence. He returned on the 12th and 13th, but there being 'bot Religiuſe menne and preiſtis, hynis,[2] wifis,[3] and barnis, quhilkis war nocht riſponſale to our ſouerane lord, gef he had takin deforce,' he desired them to send for Andrew Wood of Pittenweem, John Brown of Anstruther, the Laird of Balcasky, or some other 'riſponſale' persons to stop him, so that he might indorse his Deforcement, and depart—which they plainly refused. He therefore, on the 14th, got *William Dischinton of Ardrosse*, James Sandelandis of Cruvy, and other nine persons, to assist him in the execution of his Letters, 'with xl wiffis and fallowis, or þairby, to ſcheir and leid þe ſaid cornis;' when the Prior and Convent, with 'þair complices to þe nowmer of thre bundrethe perſonis, bodin in feir of weir, wyth bagbutis, culveringis, croce-bowis, hand-bowis, ſperis, halbertis, axis, and ſwerdis, come in arrayit batell, wyth convocatione, and ringing of þair commoune bell,' fell upon them, and 'ſchote diuerſe pecis of artilȝeari' at them. Bickerton then formally exhibited his Letters, and required security from the Prior to the extent of 500 merks, should he choose to retain the corns—or, on the other hand, offered the Prior security for 1000 merks, if the crop was reaped under authority of the Letters. All terms, however, were rejected by the Prior—and on the Messenger and his party retiring, they again 'ſchote artilȝeary' at them, and hurt several of them. And thus they 'maiſterfullie deforſit him, in the executioune of his office, quharvpoun he brak his wand, and tuk witnes,' &c. These facts are luckily preserved in the Letters and executions; which, however, are by far too prolix to be inserted in this Collection.]

Oct. 11.—WILLIAM DISCHINGTOUN of Ardroſſe, James Sandelandis of Cruvy, Thomas Wemys of Vnthank, William Gourlaw of Kyncrag, John Lundy

[1] An; if. [2] Hinds. [3] Women.

of Stratherlie, Mr Thomas Meldrum of Segy, William Lummiſdene of Ardré, John Mailuile, the young Laird of Carnbee, and forty-five others, were denounced Rebels and put to the horn, and all their goods eſcheated, for not underlying the law for art and part of the cruel Slaughter of James Borthuik, John Anderſone, and John Balzeart. The reſpective cautioners were, at ſame time, amerciated for their non-entry.

Oppression — Convocation — Deforcing a Messenger, &c.

Alexander Swan, and above eighty others, found caution to underly the law at the next Juſtice-aire of Fife, for art and part of the Oppreſſion done to John Gourlaw, in wounding him; for Convocation of the lieges, and forethought felony done to William Diſchingtoune of Ardroſſe, invading him for his Slaughter; and for Deforcing Laurence Bickertoun, the King's Officer.

Oppression — Mutilation — Deforcing a Messenger, &c.

John Rowll, Prior of Pittinweme, Patrick and Bartholomew Forman and ſix other Canons, Mr Alexander Ramſay Rector of Mukkert, Sir James Ramſay and three other Chaplains, and John Blaccader Pariſh clerk of Sawling, were replegiated by Mr John Williamſoun, Commiſſary to the Archbiſhop of St Andrews; and found Sir John Sinclare of Dridane as his cautioner, that juſtice ſhould be duly adminiſtered.

Jonet Lady Glammis.

Nov. 29.—Silvester Haddane of Kelour, John Ogilvy of Balnagrow, William Blare of Balgillo, Patrick Gardin of that Ilk, and ſix others, amerciated for not appearing, and paſſing on the Aſſiſe of Jonet Lady Glammys.[1]

Cattle-stealing.

Dec. 19.—Michael Scot Convicted of art and part of the Theft and concealment of xxij oxen and cows from the Lord of St John's and his poor Tenants, furth of the Lands of Falhouſe.—Sentence. To be scourged through the burgh of Edinburgh; and afterwards led to the tron thereof, both of his ears to be cut off; and to be Banished for the whole term of his life: And never to return therein, under the pain of death.

Violently seizing King's Letters from a Messenger.

Jan. 22, 1531-2.—John Lord Lile found James Betoune of Melgund ſurety for his entry before the Juſtice, on Feb. 2, next to come, to underly the law for the violent ſeizing of the King's Letters from Cuthbert Hew, purchaſed

[1] See Jan. 31, 1531-2, &c. and Jul. 17, 1537.

upon the Slaughter of Alexander Hew, his brother; and for detaining thereof in defraud of law; after being required thereto by Robert Champnay, Meſſenger.

Lady Glammys — Using Charms against her Husband, &c.

Jan. 31.—JONET LADY GLAMMYS found John Drummond of Innerpeffery as ſurety for her appearance at the next Juſtice-aire of Forfar, to underly the law for art and part of the Intoxication[1] of JOHN LORD GLAMMYS, her huſband; and of Reſetting Patrick Charteris, Rebel, and at the horn.

Feb. 2.—WILLIAM FOWLARTOUNE of Ardoch, David Striueling of Brekky, John Bruce of Fyngaſk, William Drummond of Abernyte, the Lairds of Cullerny, Parbroithe, Petfurane, Balmaſchennax, Duncany, Culluthy, Pyotſtoun, Gagy, and Roucht, Henry Ramſay of Laweris, and Alexander Drummond of Carnock, were amerciated for not appearing to paſs on her Aſſiſe.

Feb. 26.—WILLIAM LORD ROTHUENE, Lawrence Lord Oliphant, the Lairds of Moncreiff, Tulybardin, Culluthy, Innernyti, Anſtruther, Petcur, Petkindy, Inchefture, Clatty, Gorthy, Cultoquhay, Kelly, Ouchterley (Auchterless?), Balluny, and Thomas Berclay of Rynd, were amerciated for not appearing this day to paſs upon LADY GLAMMYS'S Aſſiſe.[2]

Caution for the sure keeping of the House of Adrintoune.

Feb. 2.—(APUD EDINBURGHE, *in camera domini* REGIS *infra Palacium ſuum Sancte Crucis, die ſecundo menſis Februarij, viz. in feſto Perificationis B. Marie Virginis.*) 'THE quhilk day þE KINGIS grace, in preſens of þe Chancellare, Biſchop of Galloway, Lord Flemyng, and diuerſe vþeris Lordes, callit Nicholace Craufurd, Juſtice-Clerk, before him, and reſſauit *Alexander Home* ſouerte for þe ſure keping of þE HOUSE OF ADRINTOUNE, in tyme of peax, during þe tyme of þe Takkis þat he ſal happin to get þairof of þe *Lard of Baſſe;* ſwa þat na falt ſalbe imput to þe Lard of Baſſe be þe Kingis grace, anent þe keping of þe ſaid Houſſe, induring all þe tyme of þe ſaid Alexanderis Takkis þairof.'

Oppression — Wounding — Mutilation.

Mar. 23.—DAVID KINCAID in Cottis, natural ſon of David K. of Cottis, Patrick and David, his natural ſons, Thomas Robeſone, Alex. Wilſon, and Patrick Kincaid, found caution (Henry Wardlaw of Kilbabertoune) to appear befor the Juſticiar, May 7, and underly the law for art and part of the fore-

[1] It is supposed that this must refer to the alleged dealing of that unfortunate Lady in enchanted drugs, filtres, poison, and charms, &c. [2] This repetition of Assisers, being all men of considerable rank and station, suffering themselves to be fined in default of their appearance, speaks strongly in favour of the popular feeling against the steps adopted to take away the life of Lady Glammis. See her Trial, Jul. 17, 1537.

thought felony and Oppreſſion done to John Petcarne, ſervant to Sir James Towris of Innerleith, kn^t, ſetting upon him in the burgh of Edinburgh, and cruelly Wounding him in ſundry parts of his body, in peril of his death: And for art and part of feloniouſly Wounding and Mutilation of James Wilſone in his right arm.—Nicholas Ramſay of Dalhouſſy, Sir James Sandelandis of Caldor, kn^t, George Preſtoun of that Ilk, William Lauder of Haltoune, Sir William Sinclare of Roſlyne, kn^t, John Pennycuke of that Ilk, and Alex. Dalmahoy of that Ilk, were amerciated for not appearing to enter on this Aſſiſe.—May 7, Robert Logane of Cotfeild became cautioner for their entry on Jul. 10, when the caſe was put off till Jul. 31 and Aug. 7.

(Aug. 7.)—Sentence. David K. Warded in the Caſtle of Edinburgh for the Mutilation of Wilſon, and David, junior, and Patrick alſo warded within the Caſtle.—James Wilsone and David Walter were alſo warded for Hameſuckin and Oppreſſion done to David Kincaid, junior, in the village of Dene.

Usurpation of the King's Authority — Imprisonment — Theft, &c.

Apr. 23, 1532.—Roger Charteris denounced Rebel, and his goods ordained to be eſcheated, for not appearing this day to underly the law for art and part of the Uſurpation of his Majeſty's authority, in violently taking Edward Craufurd, burgeſs of Edinburgh, John Wilſon, his ſervant, and umq^le Robert Wardlaw, upon the Common-mure of the burgh of Edinburgh, and forcibly leading them to the Caſtle of Temptalloune, and detaining them therein in firmance: And for art and part of Reiving from them three horſis, with ſaddles, bridles, &c. and 51. in money.

Oppression done to Laird of Congeltoun.

May 6.—Sir Patrick Hepburne of Wauchtoune, kn^t, John Hepburne, ſon of Luke H., and others, dilated for art and part of the forethought felony and Oppreſſion done to the Laird of Congiltoune, Sir Henry Hay, chaplain, and others, his ſervants.—The Lairds of Cragmelour and Swyntoune, Alex. Home of Polworth, and William Dowglaſs of Quhittingeame, and three others, were fined for not appearing on the Aſſiſe.—John Hepburne was denounced Rebel, &c.

Slaughter.

Jul. 3.—Rolland Lindesay, Alan Lokhert of Lee, and William Moſman, Convicted of art and part of the cruel Slaughter of Ralph Weir.[1]—Beheaded.

[1] Sir George Weir, chaplain, was replegiated by the Archbishop of Glasgow to underly the law for the same crime. John Lord Erskin became cautioner that justice should be administered.

Slaughter.

Jul. 8.—WILLIAM BROTHERSYDE Convicted of art and part of the cruel Slaughter of Thomas Smythe.—BEHEADED.

Mutilation — Minor sent beyond Sea to the Schools, &c.

Jul. 9.—JOHN INGLIS of Kilmany, Alexander his ſon and heir-apparent, John Mailuile young Laird of Carnebee, and others, dilaited of art and part of the Mutilation of John Clerk. In conſequence of the following remarkable writing, William Inglis, a minor, was ordained 'to paſs furth of jugement without finding of ony new ſouerte to vnderly the law.'

JAMES, be þe grace of God, King of Scottis. To our Juſtice General, &c. in þat pairt, and to all vþeris our officeris, lieges, and ſubiectis quhatſumeuer, to quhais preſens þir our Letteris ſal cum, Greting. WIT ȝe ws to have ſpecialie Reſpett and Licenciat, and be þir our Letteris Levis and Licenciatis our louit *Williame Inglis*, ſone to Johne Inglis of Kilmany, to paſs in þe pairtis beȝond þe ſey to þe ſculis,[1] with his eme[2] Walter Ramſay; and þare to remane and abyde for þe ſpace of vij ȝeris. And þairfore, will þat he be nocht callit nor accuſit for þe allegit Mutilatioun of Johne Clerk, becauſe of his leſs-age[3] and innocence he ſtandis in, being bot ane barne, quhom we have ſene brocht in our preſence, and vnderſtandis him delatit bot of his malice, conſidering his ȝouthhede. CHARGEING ȝow Herefore, all and findry our officeris, liegis, and ſubiectis forſaidis, þat nane of ȝow tak vpone hand to call, arreſt, or jornay þe ſaid Williame Inglis nor his ſouerteis for þe allegit cryme forſaid, during his away-biding and xv dayis pairefter. Diſchargeing ȝow of ȝour offices in þat pairt, be þir our Letteris. GEVIN vnder our Signete, and ſubſcriuit with our hand, at our Caſtell of Striueling, þe vij day of Aprile, and of our regne þe xix ȝere. [JAMES R.]

Burning of the Place of Lag — Theft — Oppression, &c.

Jul. 27.—GILBERT GREIR, in Bardannache, Peter and Robert Greir, his brothers, dilaited of art and part of the Fire-raiſing and Burning of the Place of Lag, under ſilence of night, in company with John Bell, alias *Jony*, Andrew, his brother, Rolland Bell and their accomplices, common Thieves and Traitors of England and Liddiſdaill: And for the theftuous Stealing from John Greir-ſone of Lag, at the ſame time, of a horſe and all his gudes, valued at 500 merks: And for art and part of the forethought felony and Oppreſſion done to Alex. Caſtellaw, and others, ſervants of the Laird of Lag, and cruelly Wounding them, in peril of their lives.—Patrick, Maſter of Halis, became ſurety for their entry to underly the law at the next Juſtice-aire of Drumfreiſe.

Intercommuning with the Earl of Angus, &c.

ADAM LINDESAY, of Dowhill, found caution to underly the law, at the next Juſtice-air of Fife, for Reſetting, Intercommuning, and Aſſiſtance given and afforded to Archibald, late Earl of Angus, and Archibald Douglaſs, his uncle, Traitors and Rebels—after their forfeiture, &c.

[1] Schools. [2] Maternal Uncle. [3] Minority.

Banishment.

Aug. 8.—Robert Lekprevik[1] Baniſhed, by Warrant of the King, furth of the Kingdom of Scotland. He was ſworn, in Judgment, to remove within xl days, under pain of death.

Treasonably Intercommuning with the Earl of Angus.

Nov. 8.—Katherine Ruthirfurd, Lady Trakware, was denounced Rebel, and all her goods ordained to be eſcheated, for not appearing this day to underly the law, for treaſonable aſſiſtance given to Archibald, formerly Earl of Angus, George and Archibald Douglas, his brother and uncle; and for Refetting, ſupplying, and Intercommuning with them, and daily converſing with them, within the kingdom of England, and ſecretly in Scotland, &c.

Abiding from the Raid to the West Marches.

Feb. 8, 1532-3.—Symon M'culloch, of Myreton, and a number of Galloway and Ayrſhire Lairds, were denounced Rebels, for treaſonably abiding from the Hoſt and Army to the Weſt-Marches, towards England, with the King's Lieutenant, on Jan. 5 laſt.—Many produced certificates of ſickneſs, Licences from the King and Lieutenant, and were diſcharged.—The following is a ſpecimen of the Licences which were uſually granted on ſuch occaſions:—

Licence *for Mr William Montgomery of Stair.*

Rex,

We, vndirſtanding þat our louit Maister William Montgomery of þe Stare, is ſeik, and may nocht mak travell without danger of his life; and þat his ſone and apperand are, with his houſhald, according to his eſtate, is to depart to our Bordouris, withe our derreſt broþer, James Erle of Murray, our Grete Wardane and Lieutenent, for þe defence of our realme, and reſiſting of our ald inemys of Ingland: Herefore We grant and gevis Licence to þe ſaid Maiſter Williame to remane and bide at hame fra þis our Oiſt and Armye, now deviſit to paſs to þe Bordouris þe v day of Januare inſtant, to þe effect forſaid: And he ſall incur na danger nor ſkayth throw his remanyng and away-biding fra þe ſamyn, in his perſoune, landis, or gudis; and ſall nocht be callit nor accuſit þairfore: Diſchargeing all our Officiaris preſent and to cum; þat is, our Juſtice, Juſtice Clerk, and Theſaurare, and all vþeris our Officiaris and Miniſteris of Court þairof, and of þair officis in þat pairt: And for his non-comperance to our ſaid Oiſt and Armye, We, be þe tenour hereof, diſchargis all calling or accuſatioune þat may follow þairupoune, nochtwithſtanding ony our Letteris or Proclamatiounis maid or to be maid to þe contrar: Anent þe quhilkis, We diſpenſe with, be þir preſentis, ſubſcriuit with our hand, At Edinburghe, þe ſecund day of Januare, the ȝere of God I^m.V^c. xxxij ȝeris, and of our regne þe xx ȝere. [JAMES R.]

It has also been thought proper to preſerve the following remarkable Act of the Privy Council, which is engrossed in the Books of Adjournal.

The Declaratioun maid be the Lordis of Council, 'quhat is ane substancious man.'

Apud Ed^r., *ix Feb., anno I^m.V^c. xxxij, in Hoſpicio domini Cancellarii:*

[1] Probably the Scottish printer. It is likely that his crime was printing and selling Heretical books.

SEDERUNT, *Cancellarius, Candidecaſe, Cambuſkynneth, Kynloſs; Domini Erſkin, Sympill, Clericus Regiſtri, Jacobus Hammiltoun, Johannes Campbell, Rotulator, M. Ad. Otterburne, Nicholaus Craufurd, Jacobus Lauſon, et Franciſcus Bothuile.*

THE Lordis of Counſale, for declaratioun of þe Actis and Proclamationis maid be þe Kingis grace and Lordis of his Counſale, charging all Baronis, ffrehaldaris, and vþeris ſubſtancius men of þis realme to cum to his BORDOURIS, quarterly, for defence of þis realme, Findis and Declaris þat ane man, havand in his poſſeſſioune ane hundreth punds worth of gudis, ſteilbow[1] and ferm of þat ȝere alanerlie except, is haldin and reput ane ſubſtancius man; and is haldin to vnderly þe charge of þe Actis and Proclamacionis.

Fire-raising — A woman sentenced to be drowned.

Apr. 26, 1533.—JONET ANDERSONE Convicted of art and part of Fire-raiſing and Burning of a byre of the Laird of Roſſythe, and ſixty oxen and eleven cows therein.—DROWNED.[2]

Murder — Stouthreif.

May 12.—HENRY BIKKERSTOUNE Convicted of art and part of the cruel Slaughter and Murder of Robert Sym, committed at Struther, in Fife, near Clatty-dene: And of Stouthreif from him of certain goods, at the ſame time.—BEHEADED

Letter from the King as to 'the ordour of Justice-Courtis.'

Jun. 16.—William, Biſhop of Aberdene,[3] Treaſurer, preſented the following LETTER from THE KING; which was ordained to be recorded.

REX,

JUSTICE and Juſtice Clerk. Forſamekill as þe ordour of our Juſtice Courtis ar gretumly[4] abuſit, be continuaciounis and diſchargis þairof, and ſiclike, be diſchargeing of ſouerteis for entering of perſonis at our ſaidis Courtis, and of perſonis to enter to þe ſamyn, diſchargeing þe vnlawing of þare ſouirteis, quhilkis paſſis vndir our ſubſcripcioune and vþirwiſe: WE, for remede hereof, Will and alſe Commandis and chargis ȝow, þat ȝe, for nane our writingis, command, or priuate takinnis, mak na continuaciounis of our ſaidis Courtis, nor ſtop nor lat[5] to hald þe ſamyne, nor diſcharge ony ſouirteis to enter ony perſounis to our ſaidis Courtis and dais of law, or of ony perſounis to enter to þe ſamyne; nor ȝit diſcharge þare ſouirteis and vnlawing of þame for ony our Letteris, command and charge meſſage, or priuate takyne, in ony tymes cuming; without ȝe haif þe aviſe and conſent of our Theſaurar expreſs þareto, be his hand writ or plane conſent, vnder þe payne of tynſale[6] of ȝour Officis. GEVIN vndir our Signete, and ſubſcriuit with our hand, At Edinburghe, þe firſt day of Februare, and of our regnne þe xx^ti ȝere. [JAMES R.]

[1] Goods and 'stocking,' the property of the landlord, then by no means uncommon, to encourage the industry of the poor farmers. [2] The Editor has frequently had occasion to remark that this was the ordinary punishment of females for crimes of lesser magnitude. In cases of Murder, Treason, Witchcraft, &c. women were BEHEADED or BURNT at the stake, according to their rank and aggravation of the offence, &c. [3] William Stewart, son of Sir Thomas Stewart of Minto. [4] Greatly. [5] Hinder; *let.* [6] Loss; deprivation.

Destroying Salmon-fishings on the River Dee.

Jun. 21.—John Mangelous[1] in Treif, Sir John Irland, Chaplain, and three others, delaited of art and part of the Oppreſſion done to Henry Biſhop of Whitehorn, Commendator of Dundranane and convent thereof, in breaking their 'dooks,'[2] and Fiſhing in the water of Dee, under ſilence of night, and deſtruction of the 'ſymmeris'[3] and 'hekkis' thereof: And for ſtriking their ſervants. Robert Lord Maxwell was fined for their non-appearance, &c.

[*Archibald Earl of Argyle, Juſtice General.*]

Fire-raising — Destroying 'Poynd-faulds' — Deadly Feud.

Jul. 29.—John Lord Forbes, John Maſter of Forbes, his ſon and heir apparent, William, his brother, William F. of Corſſinday, and William Stewart of Portarſtoune, find ſurety to appear at the next Juſtice-air of Aberdeen, to underly the law for art and part of the treaſonable Fire-raiſing and deſtruction, under ſilence of night, of certain '*poynd-faldis*,'[4] belonging to George Earl of Huntlie, built of wood, for the preſervation of his cattle, in his Foreſt of Coriny.[5]

Murder of the Laird of Craiganis and his servant.

Aug. 19.—Sir John Sympill, Vicar of Erſkin, accuſed of art and part of the cruel Slaughter of William Cunynghame of Craiganis and Robert Alaneſoune, his ſervant.—The Archbiſhop of Glaſgow replegiated the pannel to his Church Courts.—John Briſbane of Biſchoptoune became ſurety for the due performance of juſtice.

[*Archibald Earl of Argyle, Juſtice General.*]

Murder of the Laird of Craiganis and his servant.

Aug. 20.—John Lord Sympill, Robert Maſter of Sympill, his ſon and heir apparent, Gabriel S. of Ladymure, his brother, and William, his ſon,[6] John Stewart of Barſquyb,[7] John Sympill of Foulwod, John Sympill, young Laird of F.,[8] Mathew Sympill,[9] and a great number of others, found ſurety to appear before the Juſtice, on Nov. 17, to underly the law for the Slaughter of the Laird of Craiganis and his ſervant.—(Nov. 17.) The Juſtice General appointed Robert Lord Maxwell and Thomas Scot of Pitgorno to be his deputes

[1] Probably a clerical error for Manȝelaus, (Menelaws?) [2] Probably Cruive-*dikes*. [3] Sometimes written simmer; the beams on which the *hecks* or spars, formed like a horſe-rack, were faſtened. The *heck* was regulated to be of a certain width, to permit the fry and smaller fish to escape for breeders to keep up the stock in rivers, &c. [4] Pin-folds; pens for sheep. [5] May 10, 1536, the parties found caution to underly the law at the next Justice-aire of Aberdeen. [6] The amount of their caution was 1000 merks each. [7] Barscube. [8] 500l. each. [9] 1000 merks.

for trying this caſe.—(Nov. 18.) A number of perſons were denounced rebels, and put to the horn, &c.—(Nov. 20.) The Juſtices took ſurety of Lord Sympill, &c. to underly the law before the Juſtice, at the next Aire of Renfrew.

Murder of the Laird of Craiganis and his servant.

Nov. 12.—ALEXANDER PYNCARTOUNE and John Bryntſchele Convicted of art and part of the cruel Slaughter of the Laird of Craiganis and his ſervant.—BEHEADED.

Stouthreif — Clan-Gregor.

Nov. 15.—MALCOLM M'COULE-KERE M'GREGOUR, Duncan and Patrick, his brothers, accuſed of Stouthreif, in company with ſundry Rebels of THE CLAN GREGOUR, in October laſt, of xl cows, from Alexander Earl of Mentethe, and William Maſter of Mentethe, his ſon, furth of their lands and poſſeſſions. Failing to appear, they were denounced Rebels, and put to the horn, &c.

Feud between the Cunynghames and Sempills.

Nov. 20.—ALEXANDER CUNYNGHAME, ſon and heir apparent of William Maſter of Glencarne, Andrew, his brother, David C. of Robertland, Robert C. of Auchinberry, Robert C. of Aket, and William his ſon, Adam C., Tutor of Laglane, John Campbell of Ardoch, Thomas Craufurd of Auchinamys, and thirty others, found caution, (viz. the Maſter of Glencarne, William C. of Glengarnok, John C. of Caprintoune, ... C. of Cunynghameheid, Gabriell C. of Craganis, David C. of Robertland, and Robert C. of Aket,) to underly the law at the next Juſtice-aire of Renfrew, for Umbeſetting the High-way, by way of Murder, to WILLIAM LORD SYMPILL, lying in wait for his Slaughter, with a great company, between his Caſtle of Sympill and his Place of Lovell, on the fifth and ſeventh days of Auguſt laſt.

Feud between the Cunynghames and Sempills.

WILLIAM CUNYNGHAME of Glengarnock, David C. of Robertland, and Robert C. of Auchinhervy, with ſixteen others, found caution to underly the law at the ſame Juſtice-aire, for art and part of the forethought felony and Oppreſſion done to Robert Snodgerſe, Mark Sympill, and Patrick Young, coming with convocation of the lieges to the number of 100 perſons, in warlike manner, on the (3d ?) day of September laſt, within the lands of the ſaid Robert, and forcibly ſeizing and impriſoning him, &c.—The parties, both Cunynghames and Sempills, were bound over to keep the peace, under the pains of 5000, 2000, and 1000 marks each, according to their respective ranks.

Manifest and Wilful Error on Assise.

Nov. 22.—Bertholomew Herys Convicted for Manifeſt and Wilfull Error, in his procuring or being with others his colleagues upon the Aſſiſe of John Makilrewy, James Makgee, and John Scaillis, and declaring them to be acquitted and innocent of art and part of the Theft and concealment furth of the chamber of Sir James Macbraar, Chaplain, within the burgh of Dumfreis, in the month of October 1532, of a box containing 400 l. in gold, and jewels worth 100 l., or thereby; together with ſundry Letters, Charters, and other evidents belonging to Thomas Macbraar, burgeſs of Dumfreis, and entruſted by him to the cuſtody of the ſaid Sir James.—To be incarcerated for year and day; and farther, during the King's pleaſure. All his moveables to be eſcheated.

[*Archibald Earl of Argyle, Juſtice General.*]

Hindering the Wardens of the Marches, &c. from apprehending Rebels, &c.

Feb. 5, 1533-4.—Thomas Kirkpatrik of Cloſeberne, Gilbert and Cuthbert Greir, brothers to the Laird of Lag, (John Greirſone,) William Johneſtoun, *alias Wylkyne*, of Eſcheſchellis, and four others, become in his Majeſty's will for Reſetting, Supplying, and Intercommuning with John Blythe and ſixteen others, Sep. 27, 1533, being ſervants of Sir Alexander Kirkpatrik of Kirkmichaell, kn^t^, and all Rebels to the King: And for aſſiſtance afforded to the ſaid Rebels the ſame day, with Convocation of the lieges in great numbers, armed in warlike manner, and hindering Robert Lord Maxwell, Steward of Kirkcudbrycht, and Warden of the West Marches, and Ninian Crechtoun, Sheriff of Dumfreis, from apprehending the ſaid Rebels, by virtue of his Majeſty's Letters directed to them; and thereby they could not be delivered up to juſtice, conform to the laws of the realm. The Laird of Cloſberne, Wylkyne Johneſtoun, and Cuthbert Greir were incarcerated in the Caſtle of Edinburgh. The others found ſurety.

[*William Earl of Montroſe, John Lord Erſkin, Sir James Hammiltoune of Fynnert, knight, and Mr James Lawſoun, Provoſt of Edinburgh, Juſticiars ſpecially conſtituted by Commiſſion, &c.*]

Slaughter of the Laird of Craiganis and his servant.

Feb. 23.—John Stewart, Couſin of the Laird of Barſkib, Mathew Sympill, ſervant of the Laird of Stanlee, and James Kirkwod, dwelling at the Kirk of Kilbarchane, Convicted of art and part of the cruel Slaughter of William Cunynghame of Craiganis, and Robert Allaneſoune, his ſervant—Beheaded.

Perſons amerciated for being abſent from the Aſſiſe.

Alexander Drummond of Carnok, John Galbrayth of Polgave, John Grierſone of Lag,
Mungo Lindeſay of Ballull, Pat. Buchquhannane of Stanyflat, Eduard Synclare in Leſuaid,
Humphrey Galbrayth, Tutour of Culcreuch, James Edmonſtoun, uncle of the Laird of Duntreithe, William Stewart of Trakware.

Gabriel Sympill was proved to be ſick, by Sir Patrick Bryſoune, Curate of Lochuin3eocht, and witneſſes. William Lord Sympill (his brother) became cautioner for his entry.—(Apr. 29, 1534.) Lord Sympill was fined 1000 merks for his non-entry; and the ſaid Gabriel denounced Rebel, &c. and all his moveable goods to be eſcheated.

(Feb. 26.)—Robert Master of Sympill was denounced Rebel and put to the horn, for not appearing to underly the law; and all his moveables to be eſcheated, &c. William Lord Sympill was fined 1000 merks for not entering his ſon.

Slaughter of the Laird of Craiganis and his servant.

Feb. 26.—William Lord Sympill, John Sympill, ſenior in Auchlodmont, John Cunynghame junior, Robert Sympill brother of the Laird of Foulwod, Murdoch Sympill, Robert Spreull, William Crag in Syde, and Patrick, John, and Robert, his brothers, were all acquitted by an Aſſiſe, for art and part of the Slaughter of the Laird of Craganis and his ſervant: And for Reſetting, Supplying, and Intercommuning with David Sympill, ſon of the ſaid Lord Sympill, John Sympill junior in Auchlodmont, William Lufe (Love), Ranald Lufe, John Spere, and .... Gyllis, Rebels and at the horn for the ſaid Slaughters; and with others their accomplices, being alſo at the horn for the ſame Slaughters.

Assisa.

John Lord Lindeſay of the Byris, The Lard of Riddale, Edward Sinclare of Drydene,
George Lord Hume, Charles Mowat of Buſbie, Williame Vache of Dawik,
Alex. Dalmahoy of that Ilk, Arch. Dowglaſs of Caſchogill, Williame Murray of Romannoſe,
Archibald Farnely 3oung Laird of Braid, John Cranſtoun of that Ilk, James Ker of Merſingtoune, Robert Dowglaſs of Pumfraſtoune.

The following perſons were amerciated for not paſſing on this Aſſiſe.

Abſentes ab Aſſiſa.

The Laird of Amysfeild, Andrew Ker of Grenehede, James Ker of Lyntoune, George Hoppringill in Sanct Johnnis Chapell, Mr George Hay of Min3eane, Robert Borthuik of Raſchaw, the Laird of Prentado, James Bowmaker of Cardone, the Lairds of Fawſide, ſenior and junior, James Hoppringill of Tynneſs, Walter Lekky of Croy, Richard Lekky of that Ilk, Mr Thomas Ker in Sounderlandball, and the Laird of Howpaſlot.

In conſequence of this acquittal, the following Supplication was preſented to the Lords of Privy Council, and granted by their Lordſhips on the ſame day.

Supplication *for Gabriel Cunynghame, ſon and heir of the deceaſed Laird of Craiganis, to bring the above* Assise *to Trial for Wilful Error, &c.*

My Lordis of Counsale, vnto 3our l. humelie menis (*complains*) and ſchawis we 3our ſeruitouris,

Gabriel Cunynghame, ſonne and air of vmq^le William Cunyngham of Craganis, and þe remanent of þe kin and freindis[1] of the ſaid vmq^le William. That quhair William Lord Simple and his complices, beand putt to the knawlege of ane Aſſiſe, for art and part of þe creull Slauchter of þe ſaid vmq^le William; and for Intercommuning, mainteinance, and reſett of þe ſlaaris of þe ſaid vmq^le William, is quytt be þe ſaid Aſſyſe, wrangouſlie and injuſtlie to our grate apperand[2] ſcaithe and dampnage,[3] conſidering his officiar and houſhald men wis ſylit.[4] Quharefor, we beſeke ȝour l. þat we may have ane command to þe Juſtice Clerk to gif ws þe names of þe perſounis quhilk paſt vpoune þe ſaid Aſſiſe, ſua þat we may found our actioune vpoune þaim for þair Manifeſt and Wilfull Errour. According to juſtice, with ȝour anſuer huimlie we beſek. [*Indorſed.*] Apud Edinburghe, *penultimo Fe^rij anno, &c. xxxiij. Fiat ut petitur.* J. Gude, de mandato Dominorum.

Slaughter of the Laird of Craiganis and his servant.

Feb. 28.—John Sympill of Foulwod. The following perſons were amerciated for not appearing to paſs upon his Aſſiſe for being art and part of the ſame crime.

The Young Laird of Bargany,	John Leuenax of Wodhede,	John Crenſtone of that Ilk,
Charles Mowat of Buſbye,	John Buchquhannane, ſon of	Eduard Synclare in Leſſuaid,
The Young Laird of Gereſwod,	Robt B. of Drummakill,	Thomas Makdowell in Stederig,
Robert Baillie of Gerveſtoune,	W^m. Edmonſtoun of Duntreithe,	John Houſtoune of that Ilk.

[*Archibald Earl of Argyle, Juſtice-General.*]

Judicial Arbitration for the Compromise of certain Wounding, Mutilation, Invasion, &c.

Apr. 14, 1534. (*Apud burgum de Striueling.*)— The quhilk day, comperit in jugement before þe ſaid Juſtice, David Somervile ȝoung Laird of Playne, one þat ane pairt, and David Schaw of Cammysmort, one þat vþer pairt; quhilkis wer compromittit, bund, obliſt and ſuorne be þe faithis and treuthis in þair bodeis, þe Haly Euangellis tuichit, to abyde, vndirly and fulfill þe ſentence, decrete, and deliuerance of þir perſonis vndirwritten: That is to ſay, ane nobill and michty Lord, Williame Erle of Montroſe, Lord Grahame, honorabill menne, James Coluile of Eſter Wemys, Johne Striueling of þe Kere kny^t, Robert Bruce of Erthe, Alexander Schaw of Sauchy, Maiſter Robert Creichtoune, Proueſt of þe College Kirk of Sanct Gele of Edinbur^t, and George Schaw of Knokhill, or ony thre of þame, choſin for þe pairt of þe ſaid Dauid Schaw; Nobill and michty Lordis, Hew Lord Someruile, Alexander Lord Levingſtoune, Alexander Lord Elphingſtoun, Niniane Setoune of Tulibody kny^t, Williame Lawder of Haltoune, Williame Mentethe of Weſt Kerſe, Maiſter Alexander Levingſtoune of Donyphace, and John Someruile of Camnethane, or ony thre of þame, choſin for þe pairt of þe ſaid Dauid Someruile, Jugis Arbitratouris, and amicabill compoſitouris choſin betuix þe ſaidis pairties to knaw and decide: That is to say, in ſpeciale anent þe Hurting and Mutilatioune of

[1] Blood-relations. [2] Manifest, evident. [3] Loss, or hurt and damage. [4] Found guilty.

þe ſaid Dauid Someruile, allegeit to be committit be þe ſaid Dauid Schaw and his complices, and anent þe Inuaſioune of þe ſaid David Schaw, allegit to be committit vpone him be þe ſaid David Someruile and his complices, þat ſamyn tyme; and generally, anent all vþeris depatis,[1] cauſſis, querelis, actiounis and contrauerſiis quhatſumeuer, movit be ather of þe ſaidis pairties aganis vþeris, in ony tymis bygane, vnto þe day of þe date heirof: And þe ſaidis Jugis, or ony thre of þame choſin for ather[2] of þe ſaidis pairteis, ſall convene and meit in þe Paroche Kirk of þe burcht of Striueling, þe firſt day of December nixt to cum, and tak þe ſaidis actionis and debatis in þame and vpoune þame, and commone[3] þairintill; and deliuer in þe ſamyn betuix þat day and þe feſte of þe Purificatioune of our Lady, callit Candilmes, nixt immediatle þairefter following: And with power to þame to proragate and contynew þe geving of þair Sentence for ſic ſpace as þai ſal think expedient: And in cace of diſcord, baithe þe ſaidis pairteis hes choſin, with þair aviſe and conſentis, ane nobill and michty lord, Johne Lord Erſkine, honorabill men, John Campbell of Lundy kny[t], Mr James Foullis Clerk of our ſouerane lordis Regiſter, Thomas Scot of Petgorno, and Nicholace Craufurd of Oxingangis, Clerk of our ſouerane lordis Juſticiary, ourmen,[4] all in ane voce to decide with þe ſaidis Jugis in þe ſaidis materis and debatis: And however the ſaidis Jugis and ourmen, or þe maiſt pairt of þame, Decretis and Deliueris in þe premiſſes, baith the ſaidis pairteis ar obliſt and ſuorne, as ſaid is, to ſtand and abyde þairat, but[5] reuocatioune, appellatioune,[6] or reclamatioune: And gif ony of þe ſaidis ourmenne ſal happin to deceſe in þe menetyme of þe geving of þe Decrete and deliuerance in þe ſaidis debatis, the remanent being one life,[7] ſal haif power to decide and deliuer with þe ſaidis Jugis in þe ſamyn, ſiclike and alſe lauchfully as þai wer all one life: And quhilk of þe ſaidis pairteis þat will nocht abide and fulfill þe ſaid Decrete and Deliuerance, eftir þe geving þairof, bot paſſis þairfra, the pairty nocht abidand þairat nor fulfilland þe ſamyn, ſall content and pay to þe pairty kepand and abidand þairat þe ſaid Decrete, þe ſovme of I[m] li. vſuale money of Scotland, in name of pane,[8] for coſtis, ſkaythis, and expenſes ſuſtenit, and þat ſal happin to be ſuſtenit be him þairthrow, but fraude or gile.[9] And baith þe ſaid pairteis conſentit and ordanit þis compromit to be inſert in þe buke of Adiornale, and þe Clerk of Juſticiary to gif to þame þe autentik copiis and extractis of þe ſamyn.

Common Theft, &c.

[It is unnecessary to specify the very numerous cases of the description of the following, which occur very frequently in every period of the Record. The pannels, about the period of this Trial, were almost all Elwalds, Turnbulls, Armstrongs, and other Border Thieves, and the Record seldom gives any detail. Where details are entered into, such cases are uniformly selected.]

[1] Debates, differences. [2] Either, viz. *each*. [3] Commune. [4] Oversmen, umpires. [5] Without. [6] Appeal. [7] In life. [8] Penalty. [9] Honourably, without fraud or guile.

Sept. 30.—John Turnbull, alias *Black-ſow*, Convicted of Common Theft, outputting and inputting thereof.—Hanged.

Waylaying the Laird of Nudry-Marishall, &c.

Jan. 15, 1534-5.—Sir Patrick Hepburne of Wauchtoune, kn^t^, Patrick Quhitlaw of that Ilk, the Lairds of Weſt Fortoun and Eſte Crag, George Sinclare of Hiefeild, Adam, Alexander, and John Hepburne, brothers of the Laird of Wauchtoune, Patrick his ſon and heir apparent, and twenty-ſix others, found ſurety to underly the law on Feb. 12, for art and part of 'Umbeſetting' the high-way to Gilbert Wauchope of Nudry-Marſchell, for his ſlaughter.—(Feb. 12.) The Archbiſhop of St Andrews repledged Mr William Hepburne, and other two Prieſts, accuſed of the above crime. Thomas Cokburne of Clerkintoune, and others, were fined for not appearing to paſs upon this Aſſiſe.

Wilful Error on Assise.

Jan. 15.—Alexander Innes younger of that Ilk, James, ſon of Robert Innes of Rothnakenzie, Thomas Urquhart, Sheriff of Cromarty, John Drummond of Innerpeffery, and others, were called upon to underly a grand Aſſiſe, for their unjuſt acquittal of Robert Dwne of Rate, of certain points and crimes for which he was indicted.—Their cautioners were 'unlawed' in the ſums of 500, 300, and 200 merks each, according to their reſpective rank, for their non-entry this day.

Stouthreif—Oppression, &c.

Apr. 7, 1535.—Hugh Lord Somervile fund ſurety (William Chancellare of Quodquene[1]) to underly the law at the next Juſtice-aire of Lanark, for art and pairt of the Southreif and Oppreſſion done to John Tweeddale in Carnewethe, in reiving from him two cows: And for art and part of the Stouthreif from the ſaid John, of all his horſes, mares, oxen, cows, and all his crops, viz. corn, oats, ſtraw, fodder, hay, togedder with all his goods and utenſils.

Feud between the MacLeans and Clanrannald.

Jun. 4.—'The quhilk day, in preſence of þe Chancellar and Lordis of Counſale, Hector M'Gillane of Doward comperit and conſentit þat þe ſouerteis þat were ſouerteis for him of before, for his entre before þe Juſtice þe ſaid day, and he as ſouerte for his tua breþer, and þe remanent of þe perſons contenit in our ſouerane lordis Letteris, raſit vpone him at the inſtance of þe Clanran-

[1] See his Trial for Slaughter, April 24, 1536.

NALD, ſuld ſtand ſiclike ſouerteis as þai wer before, vnto the x day of Junij inſtant; efter þe forme of our ſouerane lordis vþeris Letteris, vnder his ſignete and ſubſcriptione-manuale, direct þairupone to þe Juſtice-Clerk: AND þat þe ſaidis Letteris direct vpoun him 'ſuld ſtand in effect, quhill þe ſaid day, as þai wer of before, and he to remain within the burcht of Edinbur^t in þe menetyme.'

Intercommuning, &c.—Murder of the Laird of Glorat.

Jul. 20.—PATRIK COLQUHOUN and Mr Adam C., ſons of Sir John C. of Luſs, kn^t, and twenty-five others, (among whom were Andrew Cunynhame of Drumquhaſſil and William C. of Fenyk,) found ſurety to underly the law at the next Juſtice-aire of Dumbarton, for reſetting, Supplying, Intercommuning, and Aſſiſting Humphrey Galbrayth, and his accomplices, Rebels and at the horn for the cruel Slaughter of William Striueling of Glorat.[1]—Donald Macdow and ſix others denounced Rebels, &c.; Sir John Colquhoune of Luſs and Donald M^cmanys were proved to be ſick; and Humphrey Colquhoune, Pariſh Clerk of Luſs, Mr Adam C., penſioner of Luſs, and David C., clerk, were replegiated by the Archbiſhop of Glaſgow.

Abſentes ab Aſſiſa.

Wm. Edmonſtoune of Duntrethe,	Patrik M^cgregour,	Walter Park of that Ilk,
John Sympill of Foulwod,	James Freland of that Ilk,	Wm. Flemyng of Barrouchane,
Robert Sympill, his brother,	James Stewart of Ardgoware,	George Flemyng of Kilmacolme,
John Maxwell of Stanelie,	Geo. Montgomerie of Skelmorlie,	Thomas Kelſo of Kelſoland,
James Park of Gilbertfield,	Ninian Stewart, Sheriff of Bute,[2]	Hugh Railſtoun of that Ilk.

The above perſons, and thirteen others of no note, were amerciated, for not appearing this day to paſs upon the Aſſyſe.

Unlawfully denouncing Lord Sempill Rebel, &c.

Jul. 30.—JOHN LORD LILE, and James Soutar his ſervant, put to the horn, &c. viz. The ſaid James for not appearing to underly the law for Uſurpation of his Majeſty's authority, in putting certain Letters to execution againſt WILLIAM LORD SYMPILL, demanding caution of him to underly the law for being art and part of the Slaughter of John Crawfurd of Previk, &c., and thereupon denouncing him Rebel, caution having been previouſly found by him: And the ſaid Lord, for art and part of cauſing his ſervant to execute thoſe Letters, &c.

Stouthreik—Piracy—Murder.

Aug. 30.—ALEXANDER JOHN CANOCHSONE, Angus Elyauch his brother, Gilleſpy Maktarliche his ſervant, Gilleſpik Donoche his ſon, Makcay[3] of

[1] Reference may be made to the Appendix to this reign for many illustrative circumstances.
[2] William his son was among those who were also fined. [3] His Christian name not inserted.

Sanday, Maknachtene More, Officer of the Weſt parts of Kyntyre, Eweyr Makcay of Auchincriſs, Officer of Kintyre, and thirty-three others (chiefly *Mackays*), were denounced Rebels, and put to the horn, &c., for not appearing this day to underly the law for art and part of Stouthreif from Andrew Mure, citizen of Glaſgow, and his ſervants, of a ſmall veſſel called a 'Pickard ſchip,' with goods therein of the value of 300 l., furth of the Port of Porteroſche: Item, for art and part of the cruel Slaughter of John Mure, his ſon, and other four perſons, his ſervants; and Hurting and Wounding of the ſaid Andrew, to the hazard of his life: Item, for art and part of the Stouthreif and Oppreſſion done to the ſaid Andrew and his ſervants, in reiving from them, furth of the Port of Lochriddene, of a great boat, and certain goods therein of the value of 50 merks: Item, for art and part of the cruel Slaughter and Murder of two ſervants of the ſaid Andrew, being in the ſaid boat: Item, for art and part of the cruel Slaughter and Murder of Andrew Mure, ſon and heir of the ſaid Andrew, and other four perſons his ſervants, coming upon them whilſt they were ſleeping in a ſmall veſſel, being in the ſtation or Road-ſtead of Sanday, belonging to the ſaid Andrew, loaded with merchandize and other goods brought from Ireland; committed upon the 15th day of July laſt: Item, for art and part of Stouthreif from the ſaid Andrew, his ſon and ſervants, of 100 l. in money and merchandize.

Cattle-stealing — Taking prisoners, &c. — Stouthreif.

Oct. 30.—Christopher Armestrang,[1] Archibald his ſon, Ingram Armeſtrang, Railtoun, Robert and Archibald Armeſtrang there, John Elwald, called *Lawis-Johne*, William, ſon of Alexander Elwald, and Robert Carutheris, ſervants to the Laird of Mangertoune; Thomas Gray, John Forreſtare, called *Schaik-buklar*, Ninian Gray his ſervant, Thomas Armeſtrang in Greneſchelis, *Lang Penman*, ſervant of one called *Dikkis Wille*, Ninian, ſon of the ſaid Chriſtopher, Thomas Armeſtrang of Mangertoune,[2] and Symon Armeſtrang, called *Sym the Larde*, were all denounced Rebels, and their whole goods, moveable and immoveable, to be eſcheated, &c., for not underlying the law this day for art and part of Stouthreif under ſilence of night, on Jul. 27 laſt, from John Cokburne of Ormiſtoune, furth of his Lands of Craik, within the ſhire of Roxburghe, of ſeventy 'drawand oxin'[3] and thirty cows: *And* for art and part of traitorouſly taking and carrying off three men-ſervants of the ſaid John, being the keepers of the ſaid cattle, and detaining them againſt their will for a certain ſpace: *And* for art and part of the Stouthreif from them of their clothes, 'quhin-

[1] See notice prefixed to Trial Apr. 1, 1531; and also Feb. 21, and Mar. 13, 1535-6. [2] Brother of the celebrated Johnny Armestrang, and Chief of the Clan. [3] Oxen used for *draught*, such as ploughing, &c. From numerous other entries they appear to have been much used for agricultural purposes.

ȝearis,[1] purſes, and certain money therein: *And* for breaking of their Bonds made to the King.

[*Sir James Coluile of Eaſt Wemyss, kn^t, Sir John Mailuile of Raithe, kn^t, and William Hammiltoun of Sanquhar-Lindeſay, Juſtices conſtituted by ſpecial Commiſſion.*]

Invasion — Hamesuckin.

Jan. 24, 1535-6.—SIR PATRICK HEPBURNE of Wauchtoun, kn^t, and James Cragiſwallis his ſervant, CONVICTED of art and part of coming upon James Sinclare, within the lands of Stevinſtoune, with drawn ſwords, and invading him for his Slaughter: And for forethought felony and Hameſuckin done to the ſaid James, ſetting upon him in the Houſe of Quarrelpittis, and beſieging him therein.[2]

JOHN MARTYNE in the Monaſtery, and Cuthbert Newtoune, were alſo CONVICTED of art and part of the Hameſuckin done to James Sinclare, coming to the Houſe of Quarrelpittis in company with the Laird of Wauchtoune, and beſieging him therein.

[*Sir James Hammiltoune of Fynnert, kn^t, Juſtice ſpecially conſtituted.*]

Mutilation.

Jan. 26.—JOHN FORBES of Petſlego, Alexander, his ſon and heir apparent, and John and William, alſo his ſons, Alexander F. of Dalmanache and John his brother, John Cawdale, ſon and heir apparent of James C. of Aſslone, and *ſeventy* others, were denounced Rebels and put to the horn, and all their goods, &c. to be eſcheated, for not appearing to underly the law for art and part of the Mutilation of Michael Fraſer, John Fraſer, Mr Robert Anderſoune, William Crawford, John Scot, John Gordon, and David Chene: And for art and part of forethought felony, and other crimes.

Slaughter of the Laird of Scottistoune.

Feb. 11.—MR ROBERT GALBRAITHE found caution to underly the law before the Juſtice on Feb. 23, for art and part of the cruel Slaughter of William Crechtoune of Scottiſtoune, under the pain of 5000 merks.—(Feb. 23.) Found caution of new, to appear on Mar. 27.—(Mar. 27, 1536.) He was replegiated by the Archbiſhop of St Andrews.

Cattle and Sheep-stealing — Burning of Howpaslot — Treasonably assisting the Armstrongs, &c.

Feb. 21.—SYMON ARMESTRANG,[3] Convicted of art and part of the Theft

[1] Whingars. [2] Sentence is not recorded. [3] See Oct. 30, 1535, and Mar. 13, 1535-6.

and concealment of two oxen from the Laird of Ormiſtoune, furth of the lands of Craik, and a black mare from Robert Scott of Howpaſlot, furth of the lands of Wolcleuche; committed during the time he was in the King's Ward, about Lammas 1535. Item, of art and part of the Theft and concealment of five ſcore of cows and oxen from the ſaid Laird of Ormiſtoune, ſtolen furth of the ſaid lands of Craik; committed by Alexander Armeſtrang, called *Evil-willit Sandé*, and his accomplices, in company with Thomas A. alias *Greneſchelis*, and Robert Carutheris, ſervants of the ſaid Symon, and certain Engliſhmen, at his command, common Thieves and Traitors, on Jul. 27, 1535. Item, of art and part of the traitorous Fire-raising and Burning of the Town[1] of Howpaslot: And of art and part of the Theft and concealment the ſame time of ſixty cows and oxen belonging to Robert Scot of Howpaſlot and his ſervants; committed by Alexander Armeſtrang, in company with Robert Henderſoune *alias Cheys-wame*,[2] Thomas A. *alias Greneſcheles*, his ſervants, and their accomplices, common Thieves and Traitors, of his cauſing and affiſtance, during the time he was within the King's ward, upon Oct. 28, 1535. Item, of art and part of the Theft and concealment of certain ſheep from John Hope and John Hall, the King's ſhepherds, furth of the lands of Braidlee in the Foreſt;[3] committed during the time he was within the ſaid ward: Item, for art and part of the treaſonable affiſtance given to Alexander Armeſtrang, called *Evill-willit Sandy*, a ſworn Engliſhman, and ſundry other Engliſhmen his accomplices, of the names of Armestrangis, Niksounis, and Crosaris, in their treaſonable acts.—Sentence. To be drawn to the gallows and hanged thereupon: And that he ſhall forfeit his life, lands, poſſeſſions, and all his goods, moveable and immoveable, to the King, to be diſpoſed of at his pleaſure.

Common Theft — Murder — Fire-Raising, &c.

Mar. 13.—John Armestrang, alias *Jony in Gutterholis*, and Christopher Henderſon, Convicted of Common Theft, Refet of Theft, Outputting and Inputting, in England and Scotland: And of art and part of treaſonably inbringing Engliſhmen, common Thieves, and Traitors, within Scotland, and committing common 'Hereſchip' and Stouthrief, Murder, and Fire-raiſing.—Sentence. To be drawn to the gallows and hanged as Traitors: And all their goods, moveable and immoveable, to be eſcheated to the King.

Common Theft, &c. — Murders — Fire-Raising, &c.

Finlay Johnestoune Convicted of Common Theft, &c. of old and new. Item, of art and part of treaſonably bringing the ſurnames of Grahamis

[1] It is probable that, in this instance, Farm-town only is implied. [2] Cheese-belly. [3] Viz. of Ettrick.

and ARMSTRANGIS, Englifhmen, DIK THE DEVILLIS BAIRNIS, common Thieves and Traitors, within Scotland, committing Slaughters, Murders, Fire-raifings, and 'Herefchips,' upon the King's poor lieges.—SENTENCE. To be drawn to the gallows and HANGED thereupon as a traitor; and all his goods to be efcheated, &c.

Murder.

JOHN FISCHEARE, in Leithe, Convicted for the Murder and Slaughter of Janet Symfone.—SENTENCE. To be HANGED upon the gallows: And thereafter, to be beheaded; and his head to be affixed upon the gate of St Andrews. All his goods were ordained to be efcheated.

[*Sir James Colvile of Eaft Wemyss kn'., fpecially confituted by Commission.*]

Stouthrief of Title-Deeds — Oppression, &c.

Mar. 31, 1536.—WILLIAM COKBURNE of Scraling,[1] became in the King's will for art and part of the Stouthreif of a box, under filence of night, from Patrick Atkin, burgefs of Edinburgh, and certain evidents therein contained, pertaining to Alexander Crechtoun of Newhall, and in the cuftody of the faid Patrick for the time, in the year 1528. *Item*, for art and part of the Violent occupation of the Lands of Kirkrighill, belonging to the faid Alexander, for four years preceding Mar. 12, 1533. *Item*, for art and part of the Oppreffion done to the faid Alexander in the Violent occupation of his faid lands from Mar. 12, 1533 to Whitfunday 1534. *Item*, for art and part of the Oppreffion done to the faid Alexander in the overthrowing of a 'faill-dyke'[2] built on the faid lands. *Item*, for art and part of the Oppreffion done to the faid Alexander, in inputting and keeping feven fcore of cattle and fixty horfes and mares in the meadow of the faid lands, and pafturing and deftroying the faid meadow, in Auguft laft, 1535. *Item*, of breaking three feveral Letters of Protection granted by the King to the faid Alexander. *Item*, for common Oppreffion done to the faid Alexander in the premifes.

The following remarkable Letter from THE KING is taken from the original, preserved among the Warrants of Court.

REX,

TRAIST counfalouris, We grete you weill, and hes refauit ȝour writingis anent þe LAIRD OF SCRALING; and thinkis ȝour avise and counfel beft, anent the publifhing of dome gevin aganis him. Quhair ȝe mentione of ane Minut

[1] JOHN LAIDLAW, his servant, was Convicted of destroying the faill-dyke, pasturing the horses and cattle, and infringing the three several Letters of Protection. His sentence is not recorded. WILLIAM DUNCAN, and three others, his tenants, were convicted of the two last points, and *fined* 10 ℔. each. [2] A Turf division-wall or fence, for separating one field from another.

send,[1] We have ſene nane. Therfor, We pray ȝou, þat ȝe tak þat travel to paſs to him and declair quhow it ſtandis, ſua þat his lyf and guddis are in our handis. Gif he cummis in will, We wilbe gracious to him; ffailȝeand þairof (We) ſal cauſe juſtice be kepit: And þairefter þat ȝe write to vs his anſwir, as ȝe will do Vs ſingular pleſour. Gevin at Craufurdjone, þe xxix day of Marche, and of our regne þe xxij ȝeir. James R.

(Indorsed) To our traiſt counſalouris, our Controllar and Thome Scot.[2]

Slaughter of the Laird of Cormestoun.

Apr. 24.—William Chancellare of Quodquene,[3] Robert his brother, and James C. amerciated in 300 merks for not underlying the law for art and part of the Slaughter of Thomas Ballie of Cormeſtoune. Their cautioners were Hugh Lord Somervile and Richard Broune of Cultermanys.—[4] Al þir perſonis of þe Chancellaris, eftir þai wer vnlawit, enterit in jugement for þe ſaid crime, and maid quyte[4] be uue Aſſiſe þairof.'

[*Archibald Earl of Argyle, Justice-General.*]

Slaughter of the Laird of Meldrum.

Apr. 26.—John, Master of Forbes,[5] John Strathauchin, the young Laird of Lethinturk, William Stewart of Portarſtoune, Patrick Forbes, burgeſs of Abirdene, and Robert Forbes in Sunnany, produced a Remiſſion from the King for art and part of the cruel Slaughter of Alexander Seytoun of Meldrum. John Lord Forbes, George Earl of Huntlie, William Forbes of Corſſinda, James, his ſon and heir apparent, and Alexander Forbes of Brux, became cautioners to ſatisfy the parties for Aſſythment of the Slaughter.

Besieging and Burning the House of Davy, &c. — Slaughter of twenty men, women, and children — Stouthreif — Resetting and Intercommuning with the Mackintoshes, Rebels, &c.

May 11.—James Grant of Frewchy, John Grant of Ballindalloche, and John Grant of Culcabok, found ſurety to the amount of 1000 merks each, to underly the law at the next Juſtice-aire (Inverness?) for art and part of the aſſiſtance given to Hector Makintoſche and vmq^le^ William, his brother, at the time of the Beſieging of the Place and Houſe of Davy, within Strathnaverne, belonging to James Ogilvy: And for the treaſonable Burning of a great part of the Houſes and buildings thereof, and the houſes and buildings of the tenants of Dyke, Ardroſſere, and other lands: *And* for the Slaughter of women, men, and

[1] Sent. [2] Thomas Scott of Pitgorno. [3] See I, * 169. [4] Acquitted. [5] See his Trial, I, * 163, &c. He confessed his guilt of this Slaughter on the Scaffold. See also the concluding article of *Appendix* to the Trial of Jonet, Lady Glammis, I, * 193.

children, to the number of twenty perſons: *And* for Stouthreif and 'Hereſchip' furth of the ſaid Place and houſes, and from the ground of the ſaid lands, of all the grain, cattle, victual, goods, utenſils, and houſehold ſtuff, to the value of 12,000 li. committed by the ſaids Hector, William, and their accomplices, in the year 1534: AND for Reſetting, ſupplying, intercommuning, and aſſiſtance given and afforded to the ſaids Hector, William, and their accomplices, after they were denounced Rebels, &c.

Hamesucken — Oppressing the Dean of Murray.

May 27.—WILLIAM DOUGLAS of Bone-Jedburgh, Thomas Macdowell of Maccariſtoune, and John Moll of that Ilk, found caution to the extent of 1000 merks each, and Robert Douglas, and Andrew Makbrek, 300 merks each, to underly the law at the next Juſtice-aire of Jedburghe, for art and part of the Oppreſſion and Hameſuckin done to Mr Alexander Dunbar, Dean of Murray, and his ſervants, coming upon them under ſilence of night, May 26 inſtant, at 11 o'clock; they being for the time in the company and houſe of the ſaid Dean, and beſieging him and his ſervants therein, and invading them for their Slaughter.

Oppression — Fire-Raising — Stouthreif, &c.

May 30.—NICHOLAS LERMONTHE in Fluris, and Andrew his brother, having obtained Reſpites, found caution to ſatisfy the parties, for their being art and part of the Oppreſſion done to Sibella Corſby and James Gray, ſcourging them, and Burning their houſe: *Item*, for theftuously breaking a houſe in the town of Smalem, and ſtealing goods therefrom, in company with Cuthbert, Andrew and Charles Dowglas, Rebels, Thieves, and Traitors: *Item*, for Oppreſſion done to John Edmonſtoune of that Ilk, keeping his five merk lands of Ednem waſte for nine years, and cruelly Wounding and Hurting his ſervants: *Item*, for Stouthreif and concealment of eighty ſheep furth of the lands of Raburne, from the poor Tenants thereof.

Theft — Reset of Theft, &c.

Jun. 8.—JOHN ELWALD, alias *Jok Vnhappy*, Convicted of Common Theft, Reſet of Theft, &c.—HANGED.

Slaughter.

Jul. 17.—SIR ROBERT LOGANE of Reſtalrig, kn^t^, found caution (to the extent of 1000 l. Gilbert Wauchope of Nudry Marſchell, and James Foreſtar of Medowfeild being ſureties,) to underly the law at the next Juſtice-aire of Edinburgh, for art and part of the cruel Slaughter of Adam Purdy.

Safe Keeping of the Spey Tower, &c. of Perth.

Jul. 24.—The Provost, Bailies, Council, Deacons of Crafts, and community of the Burgh of Perth, by their procurators, 'Band and oblift þaim to his hienes, þat þai fall faufly and furely keip, vpone þair expenfis, þare Spey Toure, and all vþeris ftrenths and fortalices within þe faid burgh, fra all infeftacioune, or inlowping of hoftile affalȝearis or brokin perfonis, to our fouerane lordis obeifance, quhill his returning again within his realme, and farthir at his plefour; as þai þe faidis Provoft, baillies, dekinnis of craft, counfale and communité of þe faid burghe will anfuer to his grace þairupoun, and vndir þe payne of tinfale of þair liffis, landis, and gudis.'

Lady Traquair not to Intercommune with the Douglasses.

Aug. 11.—'John Hume of Coldane-knollis, Williame Stewart of Trakquare, and Thomas Ker of þe ȝare, are becumin pleggis and fouerteis, coniunctlie and feueralie, for Katharine Rutherfurde, Lady of Trakquare,[1] that fcho fall frathinfurthe[2] obferue and keip gude rewll; And in fpeciall, fall nocht write nor fend ony writingis to þe Dowglassis, our foverane lordis Rebellis, now being in Ingland, or Intercommune with thame any maner of way: And fall enter her perfoune in Warde, in quhatfumeuer place it fall pleife þe Kingis grace, or his lordis Regentis in his abfence, quhen fcho beis requirit þairto, vpon xv dais warnyng, vndir þe pane of ij^m li.'

Oppression — Violent occupation of a Fishing.

Aug. 14.—Patrick, Lord Gray, found James Skrymgeour, Conftable of Dundee, as cautioner for his entry before the Jufticiar on Oct. 31, to underly the law for art and part of the Stouthreif and Oppreffion done to Sir Henry Luvell of Ballumby, kn^t, on Jan. 28 laft, in the occupation of his fifhing of Dundervifheide, on the water of Tay, (lying to the eaft of the Caftle of Bruchty) under the pain of 1000 l.—'All þir perfonis chargit to compere, be þe Juftice and Juftice-Clerk, in jugement, þe laft day of October nixt to cum, to pafs vpone þe Assise of Patrik Lord Gray, ilk perfoune vndir þe pane of I^c li.'

The Lord Saltoun,	The Lard of Nudry Marfchel,	The Lard of Petkinde,
The Lord Ruthuen,	The Lard of Robertland,	Thomas Wyntoun of Stricht-martyne,
The Lord Vchiltre,	The Lard of Kelle,[3]	The Lard of Kere.
The Lord Levingftoun,	Alex. Fowlartoun of þat Ilk,	
The Lard of Newwark,	The Lard of Monorgund,	

[1] This Lady was the youngest daughter of Philip, and the sister and heiress of Richard Rutherford of that Ilk. She was married to James Stuart, the founder of the family of Traquair (natural son of James, Earl of Buchan), by Papal Dispensation, Nov. 9, 1505. Her husband fell at Flodden. William was their son and heir. [2] From thenceforth. [3] Probably *Kelly*, in Fife.

(Oct. 31.)—'THE Lords Regentis and Juſtice continewit þe actioun of cryme depending betuix þe Lord Gray and Lard of Ballumby to þe thrid day of þe nixt Juſtice-aire of Forfare, or vpoun xv dais warning, becauſe þe ſaid Lord Gray producit in jugement before þame ane Reſpect[1] grantit to him be þe Kingis grace, quhilk þai wald obey.'

(Jan. 16, 1536-7.)—Lord Gray was proved to be ſick and unable to appear.—ROGER CHARTERIS, and five others, were put to the horn for this crime, and all their effects to be eſcheated, &c. (Apr. 17, 1537.)—They were denounced Rebels, and put to the horn. (Jul. 12.)—ROBERT FRESELL, Thomas Gray, and David LEKKY, denounced Rebels for the ſame crime; And for coming to the fiſhing diverſe times, threatening his ſervants, breaking and deſtroying his boats and nets, and firing at them from the Tower of Bruchty.

Waylaying Lady Luss for her Slaughter, &c.

Aug. 16.—WALTER MAKFARLAN found John Naper of Kilmahew and John Buntyne of Ardoche, as cautioners for his entry at the next Juſtice-aire of Dunbertane, to underly the law for art and part of Convocation of the lieges in great numbers, in warlike manner; and beſetting the way to Margaret Cunynghame, relict of vmq[te] Sir John Culquhoune of Luſs, kn[t], and David Farnely of Colmiſtoune, being for the time in her company, for their Slaughter; and for other crimes.

Oppression — Stouthreif of a Waggon, &c.

Aug. 25.—MARIOTA HUME, COUNTESS OF CRAUFURDE,[2] Patrick Crechtoune of Camnay, and ſeventeen others, found caution (the Lairds of Keir and Cranſtoune), to underly the law before the Juſtice, on Nov. 24, for art and part of the Stouthreif and Oppreſſion done to John Moncur of Balluny,[3] in ſeizing from him of a 'wayne,' or waggon, with four oxen and two horſes. (Nov. 24.)—They became in his Majeſty's will, and found Sir John Strineling of Kere, kn[t], and John Creychtoune of Ruthvennis, as cautioners to ſatisfy the parties.

Slaughter of a Chaplain.

Sep. 20.—JOHN, LORD LILE,[4] and William, Maſter of Lile, his ſon, and

[1] Respite. [2] Sister of Alexander, *second* Lord Hume, and widow of John, *fifth* Earl of Crawford, who was slain at Flodden, where he had a chief command. Lord Hume led the van, along with the Earl of Huntley, and was one of the few who escaped. [3] See Dec. 12, 1536. [4] John, *fourth* Lord Lyle, who married Grissel Betoun, daughter of David Betoun of Creich, and niece of James, Archbishop of Glasgow. William, Master of Lyle, is not mentioned in the Peerages, and must have died previous to August 29, 1541, when JOHN, his son, and heir apparent, got a charter of Novodamus of the Barony, on his father's resignation. *Reg. Mag. Sig.* xxvii. 188. John Lord Lyle died without male issue, leaving only one daughter, *Jean*, who married Sir Neil Montgomery of Lainshaw, and the title thereupon became extinct.

their accomplices, dilated for art and part of the Slaughter of Sir John Penny, chaplain.[1]

Casting down a Mill, &c.

Oct. 16.—Henry Atkinsone of Sleichhouſſis, Robert Brovnefield, and Hugh Wod came in his Majeſty's will for the Oppreſſion done to Elizabeth and Alison Hume, the heireſſes of Faſt Caſtle, and to Sir Robert Logane of Reſtalrig, and Sir Walter Ogilvy of Dunlugus, their huſbands, for their intereſts, in caſting down the Mill of Hutoune, on Auguſt 24 laſt, and filling up the Milldam thereof: And for Stouthrief furth of the ſaid Mill, of the 'mylne irnis (irons) and the mylne graithe.' Sir John Stirling of Keir, William Craufurd y^r of Lefnorijs, and John Lile of Stanypethe became cautioners for their ſatisfying the King and parties.

Selling Victual and Sheep to the English.

Oct. 20.—Patrick Brovnefield in Halſingtoune convicted of breaking the general Proclamation, in ſelling of a boll of victual in England: And William Hoppringill in Toftis, convicted of ſelling thirty ſheep to the Engliſh. Caution was found to enter them in ward in any of his Majeſty's Caſtles as might afterwards be directed.

Theft of a silver 'pece.'

Oct. 31.—Andrew Dempstar, convicted of art and part of the Theft and concealment of a ſilver 'pece'[2] from the tavern of Robert Bertoune, in the burgh of Edinburgh.—Hanged.

Keeping of the Castle of Edzearstoun.

Nov. 8.—Walter Ker of Cesfurde, Warden of the Middle Marches, bound himſelf to keip the Castle of Edzearstoun, on receiving the profits of the lands for his trouble; and alſo to apprehend Robert Ruthirfurde, rebel.

Slaughter of the Laird of Westhall, &c.

Nov. 14.—John Bannatyne of Corehouse, Thomas his brother, James Hammiltoun of Stanehouſe, and nineteen others, found caution to underly the law, at the Juſtice-aire of Lanark, for art and part of the cruel Slaughter of John Grahame of Weſthall, Robert and John Grahame.—Some other perſons were denounced Rebels, &c. for not appearing.

[1] It is probable that the matter was compromised, as no farther notices occur of this case.

[2] 'Vnius taſſie argenti;' a drinking-cup; a wassail-bowl.

Slaughter of the Laird of Linhouse — Rape (Forcible Abduction).

Nov. 14.—THOMAS WEIR OF BLAKWOD, and John Campbell, alias *Cok*, found caution to underly the law, at the next Juſtice-aire of Lanark, for art and part of the cruel Slaughter of Archibald Tenent of Leuenax (now Linhouſe): AND for art and part of Raviſhing the wife of Robert Hammiltoune, dwelling at the Chapel of St Bride.

Oppressing and Wounding the Countess of Craufurd, &c.

Dec. 12.—JOHN MONCUR of Balluny,[1] and Mariota (*May*) Dowglaſs, his ſpouſe, and four others, found caution to underlythe law, at the next Juſtice-aire of Perth, for Oppreſſion done to Mariota (*May*) Counteſs of Craufurd, in breaking up the ſoil and ditches of her lands of Potento, and Wounding the ſaid Counteſs in the throat: AND for common Oppreſſion.—Robert Carnegy of Kynnaird, George Arrot of that Ilk, and George Halyburtoun of Petcur, were amerciated for abſence from the Aſſiſe.

Feud between Lord Hume and the Laird of Edmonstoun.

Dec. 19.—GILBERT, WILLIAM, and THOMAS HWME, came in the King's will for Convocation of the lieges in great number, armed in warlike manner with lances, bows, and arrows: AND for art and part of the Hameſuckin, beſetting of the way, forethought felony and Oppreſſion done to John Edmonſtoun of that Ilk, coming to his lands and heritage of Ednem, and invading him and his ſervants for their Slaughter, and cruelly Hurting and Wounding . . . . Wychtman with a lance, in peril of his life.—John Hwme of Coldenknollis became ſurety for the appearance of the ſaid Thomas Hwme at the next Juſtice-aire of Berwik.

SUPPLICATION *of William and Gilbert Hume to the Lords* REGENTS.

MY LORDS REGENTS, vnto ȝour l. huimlie menis and ſchawis, we ȝour ſeruitouris, WILLIAM HUME and GILBERT HUME: þat quhar, we come in þe Juſtice wil, for þe tulȝe[2] þat happynnit betuix MY LORD HUME and þe LARD OF EDMONSTONIS ſeruandis; for þe quhilk we wer put in þe Caſtle of Edinburghe, and þair haldin, of lang tyme bigaue; and hes ſpendit all þat we had, and couth get to borrow at frendis; and now, for falt of our neceſſaris, ar in parrel of our livis: THEIRFORE we beſeke ȝour l., for Goddis ſake, ſene we ar pouer men, and hes no wþer landis nor guddis to ſuſtene ws, þat ȝe will caus ws to be put to liberte and fredome, þat we may pas among our frendis to get our mete and drink, for our ſervice; we findand ſouirté to entir agane in þe ſaid Caſtel, quhenne euir ȝe pleis, vpoune xv dais warnyng, vnder ſic panis as we may find. And ȝour anſuer huimlie I (we) beſeke.—(*Indorſed*) AFUD EDINBURGHE *xvij° Februarii, anno I^m V^c xxxvj^to.* THE LORDIS REGENTIS Ordanis þe Jvſtice Clerk to tak ſicker[3] ſouerté of þir complenaris, þat þai ſall obſerue and keip gud reul in tyme cumyng, aþer[4] of þaim vndir þe pane of V^c hundreth merks: And alſe, þat þai ſall entir within ward in þe Caſtell of Edinburghe, or ony vþer Caſtell within þe realme, quhen it pleſis þe KINGIS

[1] See Aug. 25, 1536. [2] A broil, scuffle, or quarrel. [3] Sure caution. [4] Either, each.

grace, or þe ſaidis Lordis Regentis in his abſence, apoune xv dais warnyng, vnder þe ſaid pane: Quhilk ſouerte beand fund, þat þe Juſtice Clerk writt to þe Capitane, Conſtable, and Keparis of þe ſaid Caſtell of Edinburghe, to put þe ſaidis complenaris to liberté.—Erll of Huntley, Erll of Montrose, Erle of Maxwell, 'Johne Bannatyne,[1] ȝe ſall tak þe Lard of Melloſtanis ſouerté, efter þe forme of þis *deleas*,[2] and kep þis for varrand.' Tho. Scott.[3]

Oppreſſion — Invaſion — Wounding — Mutilation.

Jan. 30, 1536-7.—Gilbert Earl of Caſſillis, Fergus Makdowall of Freuche, John Kennedy younger of Drummellane, Alex. K. of Glentig, James K. of Knokdone, and twenty-three others, found ſurety to underly the law at the Juſtice-aire of Air, for art and part of the Mutilation, beſetting the way, ffore-thought ffelony, Oppreſſion, and breaking the King's Proclamation in his abſence; and coming upon John Dunbar of Blantyre, and his four ſervants, within the burgh of Air, upon Dec. 9 laſt, to the number of fifty perſons, armed in warlike manner, cruelly invading them for their Slaughter, Wounding three ſervants of the ſaid John, and Mutilating two of them in the hand and thigh.

Oppreſſion — Mutilation.

Hector, George, and David Dunbar, Hugh Hammiltoune, and John Gillis, found caution to underly the law at the next Juſtice-aire of Air, for art and part of the forethought felony, common Oppreſſion, and Mutilation of Peter Rankin, coming upon him and James his brother, within the burgh of Air, upon Dec. 8 laſt, and cruelly invading them for their Slaughter, of forethought felony.

Sheep-ſtealing — Inbringing of Engliſhmen, &c.

Apr. 17, 1537.—Andrew Hall, called *Fat-ſow*, and William Hall, called *Wantoune pyntill*,[4] denounced Rebels, &c. for not underlying the law, for art and part of the Theft of certain ſheep from William Dowglace of Bone-Jedburghe and his neighbours: And for art and part of the inbringing of certain Engliſhmen to the Place of the ſaid William Dowglas of Cunȝeartoune, and for art and part of Stealing certain corns furth thereof.—Perſy, Cuthbert, and John Hall, called *Wyde-hoiſe*, and John Bennet in Schank, found caution to underly the law for the ſame crimes, at the next Juſtice-aire of Roxburghe.

'Girnalling' of Victual — Selling Sheep to Engliſhmen.

May 30.—James Riddale, burgeſs of Jedburghe, convicted of art and

[1] The family of Bannatyne (of whom was descended the now famed George Bannatyne), long held office as Clerks of the Court. [2] This is the only instance this phrase is used in the Record. It is an order to *delete*, or blot out the old act of cautionery from their books. [3] Of Pitgormo, Lord Justice Clerk. [4] See Aug. 11, 1537, where it appears that these persons were afterwards slain by the Douglases.

part of breaking the Act of Parliament in 'girnalling' of victual. Delivered over to the Captain of Edinburgh Caſtle to be kept in WARD.—ANDREW RIDDALE convicted, at the ſame time, of Selling three ſcores of ſheep called 'hoggis'[1] to Engliſhmen, contrary to the King's Proclamations. Alſo WARDED.—They both found caution, to the extent of 500 merks each, to appear before the Juſtice on 1ſt, and afterwards on 11th days of June, when they were permitted to compound with the Treaſurer.

Ravishing (Forcible Abduction.)

Jun. 10.—THOMAS KENNEDY, ſon of Thomas Kennedy of Knokreoche, found James K. of Blarequhanne as his cautioner, that he ſhould underly the law at the next Juſtice-aire of Air, for art and part of the 'Reviſſing' Katherine Kennedy, daughter of vmq^le Alexander Kennedy, Girvane-manys.

Withholding the Rents of Orkney and Shetland, &c.

Jun. 15.—BARBARA STEWART, William, her brother, and eleven others, dilated for art and part of the Stouthreif and detention from MARGARET LADY SINCLARE[2] of the rents of her lands and lordſhip of Scheitland: AND for art and part of Stouthreif from the tenants and inhabitants of the Lordſhips of Scheitland and Orknay of their marts, hides, ſwine, ſheep, meal, butter, oil, and malt. Ordained to appear on Jun. 23.—(Jun. 23.) Denounced Rebels, and all their goods to be eſcheated.

Besetting the Abbot of Melrose — Oppression, &c.

Jun. 22.—JOHN HUME of Coldaneknowis found caution (James Ker of Merſingtoune) to underly the law at the next Juſtice-aire of Berwick, for Beſetting the way, of forethought felony, and for Oppreſſion done to ANDREW ABBOT OF MELROSE, on Jun. 15, lying in wait for his Slaughter, with Convocation of the lieges to the number of 120 perſons, between Moſs-Roploche and the Monaſtery of Melroſe.

Stouthreif — Oppression — Wounding.

Jun. 25.—ROBERT TURNBULL, alias *Febill Hob*, denounced Rebel and put to the horn, &c. for failing to underly the law for art and part of the violent Theft and Stouthreif from Sir Walter Ogilvy of Dunlugus, kn^t, furth of his ſet of the lands of Colbrandiſpethe, of 20 head of cattle or 'nolt:' And for art and part of the forethought felony and Oppreſſion done to William Bell,

[1] Sheep of a year old, which have not been shorn. [2] Perhaps Lady Margaret Sinclair, the third daughter of George, *fourth* Earl of Caithness, and wife of William Sutherland of Duffus.

William Small, and Andrew Stevinſoune, his ſervants, cruelly wounding and hurting them with lances.—Six others were fined for not appearing to underly the law for the ſame crime.

[*Archibald Earl of Argyle, Juſtice General.*]

Treasonable Conspiracy against the King's Life—Conspiring the Destruction of the Scottish Army at Jedburgh.

[The fate of the Master of Forbes has long been matter of History, and the details have been recorded with more or less accuracy by *Buchanan*,[1] *Lesley*,[2] *Sir James Balfour*,[3] and *Pinkerton*;[4] and *Arnot*, in his Collection of Criminal Trials,[5] has devoted more than usual space to the discussion of this, the introductory, Case of his Abridgement; which, however, he confuses in his ordinary manner, and colours it with his peculiar views. As *Mr Tytler's* History enters so minutely into all the leading public events, it is unnecessary for the Editor to attempt even the briefest outline of the circumstances. The only mention which it is deemed necessary to be given, in this place, is the following passage, taken from *Calderwood's* History of the Church of Scotland;[6] and the reader will find appended to the Trial three important illustrative Papers. These documents contain all that is requisite, in the mean time, towards the formation of a clear opinion of the nature and merits of this remarkable Case.

'John Master of Forbes,[7] be the perſuaſione of the Earle of Huntlie,[8] who had ſeduced one of his ſervants called *Strachene*[9] to reveale and forge a Conspirasie intendit by his Maſter, was perſewed and convict be ane Aſſiſe, as having ſome yeers before fought, with the Douglasses, to ſlay the King. It was true he marraied the Earle of Angous his ſiſter; bot it could not be proven ſufficientlie and clearlie, aitber by Wittneſs or other evedences, that ever he had ſuch a purpoſe. It was knowne that the greateſt pairt of the Assise war corupted be *the Earle of Huntlie*. The Master of Forbes was Beheaded the 10 of Julie 1537; and *Strachene* the revealer was Baniſhed, becauſe, as was aledged, he had conſealed the Treaſoune mancy yeeres. Howbeit, the people judged not the Master of Forbes to be guiltie of that Treaſoune, quhich was laid to his charge; yet, did they not lament for his death, becauſe he had bein guiltie of manie grivious offences otherwayes. The King ſeemed to repent of this fact ſoon efter, for he received one of his bretheren into Court, and the other he reſtored to his brother's patrimonie, and procured to him a good marraige.'

There is only one circumstance farther which need be noticed, viz. that the Master of Forbes, notwithstanding of his sentence, was beheaded and quartered, &c. his relations having been spared the more ignominious part of the sentence. *Wood*, in his Peerage, following Arnot's account of the matter, relates that he was hanged and quartered, &c. *Leslie*, however, informs us, that 'he wes heidit and quarterit at Edinburgh, and his heid and quarteris affixt apoun the Portis'—and *Balfour* says, that 'be the mediatioun of some frindis, he had that fauor to be beheadit and quarterit.' On the scaffold he denied the Conspiracy against the King;[10] but acknowledged that he deserved to

[1] *Buchanan*, xiv, 53. [2] *Lesley*, Ban. Club's Edit. p. 154. [3] *Annales*, I, 267. [4] *Hist. of Scotland*, Quarto, II, 345. [5] *Trials*, p I. [6] MS. Advocates' Library. [7] He was the eldest son of John, *sixth* Lord Forbes, by Christian, daughter of Sir John Lundin of that Ilk. Lord Forbes, as will be seen from the accompanying Papers, was also accused of the same Conspiracy, and was for a long time Warded in the Castle of Edinburgh; but, ultimately, he received a free exculpation from every charge of guilt. He died *anno* 1547. [8] George, *fourth* Earl of Huntley, who was slain at the Battle of Corrichie, when his army was overthrown by the Queen's forces under the Earl of Moray, Oct. 28, 1562. [9] See Jul. 20, 1537, of this Collection. [10] *Pitscottie* says, he 'swore vpoun the scaffold that he was innocent of these crymes of Treasoun quhairof he was convict; but he knew weill it was the innocent Slauchter of the Laird of Meldrum quhilk had brocht him to that poynt.'—*Lindsay's Chronicles*, II, 353.

die for the Murder of THE LAIRD OF MELDRUM.[1] The Editor again begs to refer the enquiring reader to *Mr Tytler's* History, where, doubtless, he will find a lucid narrative of the whole circumstances connected with this remarkable Trial.]

Jul. 14.—JOHN MASTER OF FORBES,[2] 'Convictus de arte et parte proditorie Conſpirationis et abhominabilis ymaginationis Interfectionis et diſtructionis nobiliſſime perſone ſereniſſimi domini noſtri REGIS, per bumbardam ſiue machinam bellicam, le *culwering* vulgariter appellat., ipſo domino REGE tunc temporis in ſuo burgo de Abirdoniis exiſten. pro executione et adminiſtratione juſticie in borialibus partibus ſui regni, ipſius necem proditorie conſpiran. et imaginan. ITEM, pro arte et parte proditorie Seditionis orte infra vltimum EXERCITUM ſ. d. n. REGIS, pro defenſione regni aduerſus arma Anglorum, ſuper Limites regni, tempore belli, apud Jedburghe expectan., proditorié Conſpiran. et ymaginan. vnius partis Exercitus Scotorum diſtructione, pro defenſione regni Scotie contra perſecutiones et incurſiones veterum inimicorum Anglie apud prefat. Limites moram traben., in eminentem perditionem totius dict. Exercitus Scotorum et apparens dampnum et deſtructionem ſ. d. n. REGIS, totius ſui regni Scotie ejuſdemque reipublice. AC pro proditoria auxilia et ſupplemento prefatorum inimicorum Anglie.

NOMINA ASSISE *elect. et admiſſ. ſuper prefato Johanne Magiſtro Forbeſs, viz.*

Robertus Dominus Maxwell,
Willelmus Magiſter de Glencarne, miles,
Johannes Mailluill de Raith, miles,
Jobannes Hume de Coldennowis,
Georgius Craufurd de Fedderatt,
Alexander Leſlie de Petcapill,
Johan. Pantoune de Petmeddene,
David Duncanſone de Standand-ſtanes,
Willelmus Leſlie de Boquhane,
Nicholaus Roſe de Auchloſſin,
Jacobus Gareoch de Kilſtare,
Georgius Leſlie de New Leſlie,
Johannes Cvmyng de Culter,
Karolus Dempſtare,
Willelmus Leſlie de Coclarochy.

LAUD *ſive* SENTENTIA FORISFACTURE *reddita contra prenominatum Johannem Magiſtrum Forbese, per os Willelmi Carwod ſectatoris*[3] *dicte Curie, prout ſequitur in vulgari.*

IT is fundin by the ſaid Aſſiſe, that JOHNE MAISTER FORBESE hes committit art and part of þe treſſonable Conſpiratioune and abhomynabill ymaginatioun of þe Slauchter and diſtructioune of oure ſoverane lordis maiſt nobill perſoune be ſchott of culwering, oure ſaid ſoverane lord being for þe tyme in his burghe of Abirdene, for executioune and adminiſtratioun of iuſtice in þe North partis of his realme: AND for art and part of þe treſſonable ſeditioune raſing amang oure ſoverane lordis laſt OIST and ARMY, being at Jedburghe, for defence of his realme aganis þE ARMY OF INGLAND, in tyme of weir; treſſonablie conſpirand

[1] *Wood's Peerage*, I. 592. He got a remission under the Great Seal for the Murder of ALEXANDER SETON OF MELDRUM, Oct. 10, 1530. *Reg. Mag. Sig.* XXV. 364. See also various entries in this Collection, and in the Appendix to the present reign. [2] The case being so remarkable, the text is given untranslated from the Record. The DOOM being inserted '*in vulgari*,' we have thus the entry in both forms. [3] 'Dempſtar,' q. d. *doomſter*, whose office it was to pronounce the sentence.

and ymaginand þe diſtructionne of ane part of þE Army of Scotland, being for þe defence of þe realme aganis þe perſecutionis and incurſionis of þe auld inymeis of Ingland, being vpone þe ſaidis Bordouris, in apperand tynſall of þe haill Army of Scotland, and apperand ſkaith and diſtructionne of our ſoverane lord, his realme, and Commone-weill of þe ſamin, for þe treſſonabill help and ſupplé of þe ſaidis inymeis of Ingland.—For þe quhilk treſſonabill crimes, the ſaid Johne Maiſter Forbes hes forfaltit to our ſouerane lord his life, landis, and gudis, movable and vnmovable: And ſall be harlyt and drawin trow þe caſſay of Edinbur', and hangit[1] on þe gallouſe to þe deid, and quarterit and demanyt as ane traytour. And þis I gif for dome.

Papers illustrative of the Master of Forbes's Trial.

I. Judicial Challenge *of the Maſter of Forbes, as a Traitor and Conspirator, by George Earl of Huntley.*

At Edinburghe, þe xj day of Junij, the ȝear of God I^m V^c and xxxvij ȝeris. In preſens of þE Kingis grace and Lordis of his Counsale vndirwrittin; that is to ſay, ane maiſt Reverend and Reverend faderis in God, Gawyne Archibiſchop of Glaſgow, Chancellare, James Biſchop of Roſſe, William Biſchop of Dunblane; Venerabill faderis in God, David Abbot of Abirbrothok, Robert Abbot of Halyrudehouſe; Noble and michty lordis, Hew Erle of Eglintoune, David Erle of Craufurd, George Erle of Rothes, John Lord Erſkin, Malcolme Lord Flemyng, Walter Lord of Sanct Johnnis, Johne Lord Lindeſay, Hew Lord Someruile, Thomas Erſkin of Breching, Secretare, James Coluile of Eſte Wemys, Johne Campbell of Lundy, knychtis, Comperit ane nobill and michty lord, George Erll of Huntlie, &c. one þat ane parte, and Johne Maister of Forbes one þat vþer parte, and þare þe ſaid Erle delatit þe ſaid Maister (of) Forbes to our ſouerane lord of þis cryme of Treſſoune and Leſe-maieſtié eftir following; That is to ſay, Ye ſaid Maister of Forbese had imagynit and conſpirit his hienes dede[2] and Slauchter, be ane ſchot of ane ſmall gwne or culuering within þe burgh of Abirdene. Quhilk cryme þe ſaid Maister of Forbes denyit, and ſaid it wes nocht of verité; and offerit him to defend þe ſamyn with his body And becauſe þe ſaid Erle of Huntlie allegeit þat ſic wordis wer ſaid to him, and þe ſaiaris þairof wer nocht preſent; bot þat he ſuld bring ane landit or gentill manne[3] ſayaris of þe ſaidis wordis to þE Kingis grace, to avow þat þai ſaid þir wordis, and þat at the þe day nemmit be þE Kingis grace: And failȝeing þairof he hes tane vp þe plege.[4]

[1] *Sir James Balfour*, in his quaint manner, gravely remarks, that the Master of Forbes 'had ſentence to be hanged and quartered; but, by the mediatione of ſome friends, had the fauor to be beheaded and quartered!' *Annales*, I. 268. [2] Death. [3] Sic. [4] This mode of impeachment was generally done in form of a solemn challenge, in presence of the King and his

THE quhilk mater being put to þe avifement of þE CHANCELLARE and LORDIS being prefent for þe tyme, for þe odiouſnes of ſa heiche ane crime, and þairwith being aviſit, and þai referrand þare comnſale and aviſe agane to his hienes, in quhais prefens þe ſaid GEORGE ERLE OF HUNTLIE hes bundin and obliſt him, his landis and heretage, vnder þe pane of tuenty thouſand markis, to bring þe ſaid landit or gentill manne, dilataris and ſayaris of þe cryme forſaid, before our ſaid ſouerane lord or his Juſtice in Edinburghe, or quhat vþer place he pleſis to aſſigne, þe firſt day of July nixt to cum. AND þairfor þe ſaidis Lordis of Counſale Ordanis ane Herald, or vþer officiare, to paſs, and command and charge þe ſaid MAISTER OF FORBES to enter his perſoune within þE CASTELL OF EDINBURGHE, vndir þe pane of Treſoune; and þair to remane quhill þe ſaid day, or ellis þat he, within þe ſaid ſpace, find ſufficient cautioune[1] and ſouirté to þe ſaid Juſtice Clerk, þat he ſall compere þe ſaid firſt day of July, before our ſouerane lord or his Juſtice, to defend þe ſaid mater, as accordis vpone þe law, vnder þe pane of xx^{m} markis: AND alſe, to command and charge þe ſaid JOHNE MASTER (OF) FORBES, þat alſe lang as he remanis within þe burghe of Edinburghe, þat he cum na nerrare þE KINGIS grace bot to þe Nether boll[2] of þe ſamyn, quhill þe ſaid day, vndir þe pane of Treſoune: And gif it pleſis þE KINGIS grace to cum to þe ſaid burghe ony tyme within þe ſaid day, þe ſaid JOHNE MAISTER OF FORBES being within þe ſaid burghe, ſall remane within his houſe and lugeing during þat tyme, and ſall nocht cum furth of þe ſamyn ſa lang as þE KINGIS grace beis within þe ſaid burghe: AND gif þe ſaid MAISTER OF FORBES paſſis, ony tyme betuix þis and þe ſaid day, furth of þe ſaid burghe, þat he cum nocht neir to þE KINGIS grace, within thre mylis, vndir þe pane forſaid.

(Dec. 11, 1537.)—II. BOND OF CAUTION *taken by Warrant of the Lords of Privy Council, that John Lord Forbes, and William Maſter of Forbes, ſhould not eſcape from the Caſtle of Edinburgh.*

IN preſens of þe Lordis Chancellar, Preſident, and Lordis of Counſall, Comperit WALTER INNES OF TOUCHIS, Robert Orrok of þat Ilk, James Forbes of Carnebo, John Forbes of Drumdochty, and Williame Forbes of Ardmurdo, become plegeis and ſouerteis, coniunctlie and ſeuerallie, renunciand þe benefice

PEERS. The challenger, after 'delating' or charging the accused person of Treason, &c., threw down his gauge, or gauntlet, which the accused, if he denied the charge, took up; and 'offerrit to defend the ſamyn (his assertion of innocence) with his body.' In absence, or failure of sufficient proof, THE KING frequently referred the matter to duel or 'Singular Combat,' as it was then termed, exclaiming, 'GOD defend the richt!' This Contest, like many other ordeals of a similar description, was founded on a deep knowledge of human nature; and seemed necessary, in these barbarous times, for the well-being of Society. The self-possession and innocence of the one party, and the boisterous arrogance, and confusion of the other, frequently, indeed generally, produced a termination favourable to the ends of substantial justice. Numerous instances could easily be adduced, if necessary, of the Judicial Combat having been authorized by Royal authority in Scotland.

[1] His cautioners were John Lord Forbes and John Forbes of Pitslego. [2] The Nether-Bow Port.

of diuiſioun, to þe Juſtice Clerk, in our ſouerane lordis name, for Johne Lord Forbes, and Williame Maister of Forbes his ſone, now being within þe *Caſtell of Edinbur'*, in Warde, that þai ſall nocht eſchew nor depart furth of þe ſaid *Caſtell of Edinbur'*, bot ſall remane þairintill, as in fré Warde, quhill þai be fred furtht of þe ſamin be þe Kingis grace, vndir þe pane of Ten thouſand markis.—Et *hoc plegium captum fuit ex mandato Dominorum Conſilii.*

(Apr. 10, 1538.)—III. Warrant *to allow William Maſter of Forbes free Ward within the Town of Edinburgh.*

Rex,

Justice Clerk, fforſamekle as We haue changit þe Ward of Williame Forbes, ſonne and apperand aire of Johne Lord Forbes, now beand in oure *Caſtell of Edinburghe*, to cum and remane in ward in oure Toune of Edinburghe: Quharefor, We charge ȝow, þat incontinent eftir þe ſycht hereof, ȝe tak ſicker ſouertie and ſufficient[1] þat þe ſaid Williame ſall keip and remane in Ward within þe ſaid Toune, and haue[2] him honeſtlie þairin, and nocht to depairt þairfra without our ſpeciall Licence granted and had þairto, vndir þe pane of Ten thouſand merkis. Subscriuit with oure hand, at Edinburghe, þe x day of Aprile, and of our regnne þe xxv ȝere.[3] James R.

Conspiring the King's destruction, by Poison—Treasonably Intercommuning, &c. with the Earl of Angus, &c.

[One of the most remarkable passages in the history of the reign of King James V, is the detail of the proceedings so rancorously adopted and put in execution against Jean or Jonet Douglas, Lady Glammis. The Editor considers it as due to the memory of a noble, and, as he conscientiously believes, a much injured Lady, whose character has met with an undue measure of severity from Historians, to enter rather more fully than usual into a statement of the facts of her case. It is probable that this injustice has arisen from the circumstance of its having been usual for succeeding writers to take for granted all statements made in the earlier Chroniclers and Historians, without farther examination; and thus, until *Mr Pinkerton* and *Mr Tytler* adopted a very different course, errors the most glaring were perpetuated, and handed down from one author to another.

Jonet Lady Glammis was the *second* daughter of George Master of Angus, (eldest son of 'the great Earl,' best known by the name of '*Bell-the-Cat*,') by Elizabeth, second daughter of John *first* Lord Drummond. The reader may be reminded, that the undaunted old Earl of Angus, having remonstrated against the rashness and imprudence of King James IV accepting the challenge of the Earl of Surrey to fight, received what he deemed an unpardonable affront from his sovereign, who taunted him for his counsel, and proudly told him, if he was afraid, he was at liberty to go home. Retiring in disgust from the field of battle himself, and, as is related, with tears of indignation, he generously left all his followers with his two eldest sons, who both fell at Flodden Field, with two hundred gentlemen of their name. Bell-the-Cat, broken-hearted, thereupon withdrew from the world, and died the following year, 1514, at the Priory of Whithorn, in Galloway.[4]

[1] John Forbes of Pitslego and George Meldrum of Fiwy (Fyvie), 10,000 merks. [2] Behave, conduct himself.
[3] Anno 1538. [4] *Wood's* Peerage, I, 134. *Pinkerton's* Hist., &c.

The unfortunate lady who was the victim in the following Trial, married John *sixth* Lord Glammis, who died Dec. 12, 1527, leaving issue by her, John *seventh* Lord Glammis, then a youth. He was long involved in the consequences of his mother's misfortunes,[1] and *Elizabeth*, married to Ross of Craigie.[2] She appears soon afterwards to have married Archibald Campbell, who is styled by Historians 'of Kepneith.' This gentleman appears to the Editor to have been Archibald Campbell of Skippinche (Skipnish), who was the second son of Archibald *second* Earl of Argyle. He obtained a Charter of the lands and Keepership of the Castle of Skipynche or Skipnish, Aug. 13, 1511, from King James IV.[3] The Editor does not recollect to have met with the title of *Keipneeh* in any of the Public Records, and thinks it extremely probable that Campbell of Skipnish was the second husband of Lady Glammis. At all events, it is very unlikely that a high-born Lady of so distinguished a family as that of DOUGLAS would stoop to a matrimonial alliance with a small Highland Laird, unconnected with any Noble family. It is proper, however, to state, that the Editor has no proof to adduce in support of this surmise. Being possessed of a masculine mind, and a large measure of that undaunted courage, which so long characterised the Douglasses, she generously, but imprudently, braved the King's Proclamations, which strictly forbid all persons, of whatever degree, from 'intercommuning' with, or giving food, raiment, or shelter to the Earl of Angus, and other Traitors and Rebels, under pain of death.

It must be borne in mind, that Archibald, *the sixth* Earl of Angus, Chancellor of Scotland, who was forfeited in Parliament, Sep. 5, 1528, along with George, his brother, and Archibald, his uncle, was brother-german to Lady Glammis, who was closely attached to him alike by the bonds of natural affection and of private friendship. With the unquenchable fidelity of a sister's love, she afforded her brothers and their uncle all the assistance in her power, and speedily drew down upon herself a portion of the implacable vengeance which KING JAMES V had sworn against THE DOUGLASSES, it being known that he had taken a deep and solemn vow, that while he lived they should never find refuge in Scotland. This Nobleman, on the death of his first wife, Lady Margaret Hepburn, second daughter of Patrick *first* Earl of Bothwell (who died in childbed in 1513, without surviving issue), married, Aug. 6, 1514, MARGARET of England, QUEEN DOWAGER of JAMES IV, within eleven months after the fatal field of Flodden. The indecent haste with which this match was got up, and the ambitious views of the Douglasses, who through this means obtained the custody of the young KING's person, in reality accelerated their downfall, by exciting against them the jealousies of a powerful faction of the Nobility. THE KING having made his escape out of ANGUS's hands, in July, 1528, the forfeiture of the Earl, his brother, and uncle, followed speedily after the meeting of the earliest Parliament, Sep. 4, 1528. It cannot be disguised that the violent and openly treasonable conduct of the Earl and his faction after this period was by no means calculated to restore him to royal favour, or to reconcile him to his injured countrymen. Having made many incursions into his native country, he retired into England, and became a pensioner of HENRY VIII, who, in 1532. settled an annuity of one thousand merks Sterling upon him. The subsequent restoration of the family, after the death of KING JAMES V, is well known, and the outline of the history of his after life is unnecessary to be touched upon here, as being entirely foreign to the present subject.

So early as Dec. 1, 1528, she was summoned to answer before Parliament, along with *Patrick Hume of Blacater, Hugh Kennedy of Girvanemanys*, and *Patrik Charteris*, for art and part counsel, assistance, &c., afforded to the Earl of Angus, in convocating the lieges for eight days immediately preceding Jun. 1, for invasion of the King's person. This Summons of Treason was continued to Jan. 18, 1528-9, when the matter, so far as LADY GLAMMIS was concerned, seems to have been dropped, for on the next diet, Jan. 22, her name no longer appears. In a few years afterwards, on Jul. 1, 1531,[4] we find that Gawyne Hammiltoune got a Gift from the Crown of the escheat of

[1] See his Trial, Jul. 18, 1537. [2] For some particulars of that devoted family, see this Collection, Vol. III, p. 445, and Appendix, pp. 582 to 590. [3] *Reg. Mag. Sig.* xvii, No. 33. [4] See Extracts from the *Privy Seal Record*, in the Appendix to this reign, under that date.

all the goods, heritable and moveable, which had pertained to JONET LADY GLAMMIS, and had been forfeited on account of her 'Intercommunyng with our fouerane lordis Rebellis, or for ony vpir crymes,' &c. On Nov. 29 of that year, Haldane of Kelour and several others were fined for not passing upon her Assise; and on Jan. 31, 1531-2, John Drummond of Innerpeffery[1] became surety for her entry at the next Justice-aire of Forfar, for art and part of taking the life of her husband, John *sixth* Lord Glammis, '*per intoxicationem*,' which probably was meant to signify the employing of drugs, charms, or enchanted potions. This shifting of the ground, in relation to the charge of crime alleged against her, seems to have proceeded from the repeated refusal of the Barons to come forward as Assisors or Jurors on her Trial, and from the fear on the part of the public prosecutor that the Case would break down for want of legal and satisfactory proof of her being guilty of any Treason. Such suspicious circumstances naturally lead us to infer that her real crime was the political offence of her being a true-hearted DOUGLAS, and as such a contumacious despiser of the Royal tyranny, which would attempt to force her to deny succour to her oppressed brothers and uncle, and other 'Rebels.' As Lord Glammis died Dec. 12, 1527, it is highly improbable that all legal proceedings would be allowed by the advisers of the Crown to be totally suspended for nearly four years against one who was, at any rate, obnoxious to THE KING. There were never awanting enough of officious spies about the Scottish court to ferret out the truth of even the shadow of suspicion of crime against those who were unhappy enough to lie under its ban; and had there been any just ground of accusation, Lady Glammis's career would have at once been cut short.

In farther corroboration of the feelings of the Barons, in relation to the innocence of Lady Glammis, it may be stated that, on Feb. 2, 1531-2, Fullerton of Ardoch, and a number of other Lairds, were amerciated for refusing to pass upon another Assise, which her prosecutors had again caused to be summoned for her trial. And once more, on Feb. 26, Lord Ruthven, Lord Oliphant, &c., were fined for the same cause, as may be seen from the various entries, under these respective dates, in this Collection. Owing to the imperfect state of the Criminal Records, no farther notice of this ill-used lady can now be procured until the day of her Trial, when unprincipled Witnesses appear to have been brought forward, who gave false testimony; upon which the Jury were compelled to return a Verdict of guilty, 'without any fubſtanciall ground or proyf of mattir.'[2]

With regard to the articles of Dittay, they are only two—treasonably Conspiring and imagining the King's Slaughter or deſtruction by poison, and treasonably assisting, supplying, resetting, intercommuning, and fortifying Archibald, Earl of Angus, and George Douglas, his brother. The popular story, which originated in the blunders and fables of some of the Chroniclers and Historians of the age of MARY and JAMES VI, has hitherto been, that the Lady Glammis was burnt for WITCHCRAFT! The Records leave no room for imagining that such formed any part of the charges adduced against her. Assuredly, had it been possible to bring forward such an accusation, we may infer that it would have been strenuously urged against her, to secure the popular voice in favour of THE KING; and, above all, *it would have been prominently recorded in the Dittay, and also in her Sentence. Mr Pinkerton,* deluded by the frequent repetition of this fable, indulges himself by entering into extenuation of the conduct of JAMES V, for sanctioning the prosecution of Lady Glammis for the imaginary crime of Witchcraft; and other authors, otherwise respectable, have fallen into the old vice of the earlier Historians, who have immemorially been in the habit of perpetuating each other's errors, by indolently taking for granted all that their predecessors had stated, without being at the pains of examining for themselves Records and documents which were at all times within their reach.

Perhaps the fabulous story in regard to a charge of WITCHCRAFT having been brought against

[1] Sir John Drummond of Innerpeffery, third son of Sir John *first* Lord Drummond, was the father of this individual, who married Margaret Stewart, Lady Gordon, natural daughter of KING JAMES IV, legitimated by Letters under the Great Seal, Feb. 1, 1558-9. [2] Letter from *Sir Thomas Clifford* to KING HENRY VIII. *Mus. Brit.*, Caligula, B. iii, 187. Pinkerton's Hist. II, 348. See also this Collection, I. * 198.

Lady Glammis, may have originated in the preceding attempt to fasten upon her the pretended guilt of taking away her first husband's life by charmed drinks or drugs. This, however, took place many years before her execution. A more plausible reason for reporting that she dealt in Magic or Witchcraft may have been the barbarous manner of her death; for, she having died at the stake, it is not unlikely that the popular report, fifty years, or even a century afterwards, would be that she was 'Burnt for a Witch.' In all cases of Treason and Murder, as well as in those of Witchcraft, Sorcery, &c., females of rank were invariably *burnt at the stake*, until a comparatively recent date, when decapitation was sometimes granted, in particular instances. In crimes of an inferior description, such as Theft, &c., females, and often infirm old men, were *drowned*. From not attending to this circumstance, and as Witchcraft was uniformly punished by burning at the stake down to the commencement of the eighteenth century, it was natural for the more modern Historians, who were well aware of the manner of her death, to repeat what they had met with in the pages of earlier Chroniclers, &c.

There is one circumstance which strikes the Editor as affording a very extraordinary feature in these proceedings. The truly amiable MAGDALENE QUEEN OF SCOTLAND, who had only arrived from France on May 19, died on July 7, 1537; which plunged THE KING and the nation into the deepest sorrow. Never did a Queen-consort commence her reign under happier auspices, and with so entire a love of all her subjects. JAMES V had to all appearance abandoned himself to grief for her loss, and had retired from the pleasures of the Court and from all his usual sports and employments, when suddenly, 'in the very crisis of domestic and national affliction,'[1] these rigorous proceedings were adopted and perpetrated, with feelings of private revenge and hatred altogether abhorrent to human nature. Had such a course been previously determined upon by the advisers of the Crown, certainly the time was the worst that could possibly have been chosen; for even had this excellent Queen survived, Lady Glammis must either have been put to death by BURNING AT THE STAKE during the midst of the festivities which followed her Marriage and Public Reception, or at the very moment of the celebration of her Funeral Obsequies! The whole complexion of this shocking tragedy bears such savage traces of a furious and unmanly revenge against a noble and unprotected female, who was the only individual of her family on whom they could lay their hands, that it can hardly be compared with any other event, either in ancient or modern history.

The Editor need scarcely apologize for appending a few notices, which he considers as necessary towards the full understanding and illustration of so remarkable a Trial, and so painful a passage of the History of Scotland.]

Jul. 17.—JONET DOUGLAS LADY GLAMMYS, 'Conuicta de arte et parte proditorie Conſpirationis et imaginationis Interfectionis, ſiue diſtructionis, nobiliſſime perſone ſereniſſimi domini noſtri REGIS, per peſſimum venenum lie *poyſone*. ITEM, pro arte et parte proditorie aſſiſtentie, ſupplementi, receptationis, intercommunicationis et fortificationis ARCHIBALDI olim ANGUSIE COMITIS, et GEORGII DOUGLAS ejus fratrum, proditorum et rebellium, in proditorio modo. —COMBUSTA.

NOMINA ASSISA *electe jurat. et admiſſ. ſuper prefata Joneta Domina Glammys, viz.*

Johnnes Comes Atholie,
Johannes Comes Buchanie,
Robertus Dominus Maxwell,
Wil. Magiſter de Glencarne, miles,
Johannes Hume de Coldenknowis,
Wil. Kirkpatrik de Kirkmychell,
Joh^s Creichtonne de Ruwennis,
Jacobus Ker de Merſingtonne,
Gilbertus Comes de Caſſillis,
Willelmus Dominus Sympill,
Johannes Mailuill de Raith, miles,
Jac. Towris de Inuerleith, miles,
Dauid Barclay de Matheris,
Johannes Edmonſtoun de eodem,
Wil. Makclellane, Tutor de Bondby.

[1] Letter from *Sir Thomas Clifford* to KING HENRY VIII, B. iii., 187. Pinkerton's Hist II, 348.

Sententia Forisfacture *reddita contra prenominatam* Jonetam Dominam de Glammys, *per os Willielmi Carwod, ſectatoris dicte Curie, prout ſequitur in vulgari.*

It is fundin be þe ſaid Aſſiſe, That Jonet Douglas Lady of Glammys hes commitit art and part of þe treſſonabill Conſpiratioune and ymaginatioune of þe Slauchter and deſtructioun of our ſouerane lordis maiſt nobill perſone be poyſone: And for art and part of þe treſſonable affiſtance, ſupplé. reſſett, intercommonyng and fortifying of Archibald, ſumtyme Erll of Anguse, and George Douglas, hir brether, Traytouris and Rebellis, in treſſonabill maner. —For þe quhilkis treſſonable crimes, þe ſaid Jonet Lady of Glammys hes foirfallit to oure ſouerane lord, hir life, hir landis, gudis movable and vnmovable: And þat ſcho ſall be had to Caſtell hill of Edinburghe, and þair brynt in ane fyre to þe deid, as ane Traytour. And þat I gif for Dome.

Papers illustrative of the Trial of Jonet Lady Glammys.

I. Narrative *taken from the Hiſtory of Scotland, by David Scott of the Inner Temple.*[1]

The Lady Jane Dowglaſs, &c. accus'd for Conſpiring to Murder the King.

At this time, the Lady Jane Dowglass, ſiſter to *Archibald Earl of Angus* (who then liv'd an exile in England), was the moſt celebrated beauty in the nation. She was of a middle ſtature, not too fat; her face of an oval form, with full eyes; her complexion extremely fair and beautiful, with a majeſtick mein. Beſides all theſe perfections, ſhe was a lady of ſingular chaſtity, her mind wanting none of thoſe perfections a mortal creature could be capable of. Her modeſty was admirable, her courage was above what could be expected in her ſex; her judgment ſolid, her behaviour affable and engaging to her inferiors as well as equals: And as ſhe was deſcended from one of the moſt ancient and illuſtrious Families in the kingdom (tho' at that time eclips'd,) ſhe had been married to John Lyon Lord Glames, a moſt worthy young Nobleman of noble birth, but died ſoon, and left this young lady with one ſon: And tho' ſtill miſtreſs of her perfections and a plentiful jointure, yet continued a widow for ſome years after her huſband's death. During which time, ſeveral of the firſt Nobility of the Kingdom had courted her; but ſhe was not ſo much inclined to marry for wealth and title, as for merit; ſo that ſhe plac'd her affection on one *Archibald Campbell of Kepneath*, who commanded the Third Regiment in the King's Army, to whom ſhe was married, to their mutual ſatisfaction. Mean time *William Lyon*, a near relation of her firſt huſband, having made violent addreſſes to her, and ſeeing that ſhe was married to this gentleman, became almoſt diſtracted upon the diſappointment: But though he had loſt her in marriage, yet did not forbear his addreſſes to her in an unlawful way, and continued to importune her to conſent to his deſigns; which ſhe reſented with the utmoſt diſdain, and told him, that ſhe had treated him with the reſpect due to the relation of her

[1] Folio, Westminster, printed by J. Cluer and A. Campbell, in King's Street, near the Abbey, 1727. Though no authorities are cited by the author on the margin, his account bears marks of having been collated with *Drummond of Hawthornden's* History, which is fuller on the subject of this Trial than any other. From his residence in London, he had, probably, access to State Papers, &c. from which his Narrative had been compiled. It has been deemed advisable to print it here, as the book is but little known; and indeed it only professes to be an impartial compilation from previous Histories and Chronicles. [2] There seems to the Editor to be no doubt that this gentleman was *Campbell of Skipynche or Shipness*, as formerly surmised. See the Case of John Lord Glammys, Jul. 18, 1537.

firſt huſband and child, and not out of any regard to his own perſon or merit; but, ſince ſhe found that he had ſuch deſigns, ſhe hated the ſight of him, and aſſured him that ſhe never would comply with ſuch abominable crimes.

This reſolute denial ſo diſtracted him, that he upbraided her with ingratitude for the great love he had for her, and told her, ſince he had loſt ſo much time in vain, he would ſtudy to baniſh her from his thoughts. But his violent love, or rather luſt, turn'd to as violent hatred; ſo that after that he never viſited her, but ſtudied revenge. Thus his paſſionate love being ſucceeded by vengeance, he took ſome time to invent a plot againſt her life, which he reſolved to ſacrifice to his reſentment: And at laſt found out the moſt horrid contrivance that Hell could ſuggeſt. He accus'd the Lady, her huſband, and one *John Lyon*, an aged Prieſt, and his own near relation, of having a deſign to poiſon THE KING. Whereupon they were apprehended and confined priſoners in THE CASTLE OF EDINBURGH, their goods ſeiz'd, and a ſtrict charge given to the Judges of the Juſticiary to proceed to their Trials.

Mean time the accuſer, *William Lyon*, having too ready acceſs to THE KING'S ear, ſtudied all means to aggravate the crime; and that he might diſpoſe THE KING to treat them with all poſſible cruelty, he repreſented that the Family of *the Douglaſſes* had been always dangerous and troubleſome to his predeceſſors, and even to himſelf and his kingdom: And reminded him of the inſolent behaviour of *Archibald Earl of Angus*, brother to the priſoner, in the time of his Majeſty's minority, whoſe practices were ſo dangerous, that by a public Decree he was baniſh'd the kingdom as a diſturber of the peace of his native country: That ſince that time he was become the ſubject of KING HENRY OF ENGLAND, his Majeſty's greateſt enemy; and was now the cauſe of all the Inroads made by THE ENGLISH into Scotland: And ſince he could not be reſtor'd to his honours and fortune without great difficulty, revenge had incited him to plot all the miſchief he could againſt THE KING'S perſone, and who could be employ'd in ſuch wicked deſigns more true to him than his own ſiſter, who by the ties of blood was oblig'd to ſecreſy; and had employ'd her in that Conſpiracy, thinking that her ſex, character and birth, would make her the leſs ſuſpected: Therefore advis'd his Majeſty, that if he had any regard either to his intereſt or ſafety of his perſon, it was neceſſary to extirpate that race, which produc'd nothing but monſtrous Rebels; and eſpecially that woman, whom, if he ſpar'd, he put it in her power to accompliſh her wicked deſigns.

THE KING, being ignorant of the malice which *William Lyon* bore to the Lady, order'd that ſhe, her huſband, and Chaplain, ſhould be ſpeedily brought to their Trial, without any regard to their birth or characters. And *the Lady Jane* was brought to the Bar, according to cuſtom, to hear what ſhe could ſay for her ſelf. And having made particular anſwers to the queſtions propos'd by the Judges, ſhe imagin'd that her danger proceeded from her relation to *the Earl of Angus*; and with the greateſt courage and confidence imaginable, ſhe deliver'd the following SPEECH.

Lady Jane Dowglaſs her Defence at the Bar.

'THOSE that hate my brother are enrag'd, becauſe he is not in their power, that he might fall a ſacrifice to their malice; and they now diſcharge their ſpite upon me, becauſe of my near relation to him; and to gratify their revenge with my blood, they accuſe me of crimes which, were they true, deſerv'd the ſevereſt death. But, ſince it is the only prerogative of God to puniſh men or women for the faults of others, which belongs to no judge on earth, who are oblig'd to puniſh every one according to their perſonal crimes, you ought not to puniſh in me the actions of my brother, how blamable ſoever. Above all, you ought to conſider if thoſe things I am accuſ'd of have the leaſt appearance of truth; for what gives the greateſt evidence either of the guilt or innocence of an impeach'd perſon is their former life. What fault could any hitherto lay to my charge? Did any ever reproach me with any thing that is ſcandalous? Examine into my former converſation; for vice hath its degrees as well as virtue, nor none can attain to a perfection in either, except by long practice; and if you can find nothing reprovable in my conduct, how can ye believe that I am arriv'd all of a ſudden to contrive

this Murder, which is the very height and perfection of impiety? I proteſt I would not deliberately injure the moſt deſpicable wretch alive. Could I then make the Murder of my Sovereign, whom I always reverenc'd, and who never did me wrong, the firſt eſſay of my wickedneſs? None are capable of ſuch damnable and unnatural actions, except ſuch as are in deſperate circumſtances, or ſuch as are hurried into Plots by reward or revenge. My birth, and condition of life, puts me beyond the ſuſpicion of the firſt of this kind; and for the latter, ſince I was never injur'd by THE KING, how can I be ſuſpected to thirſt for revenge?

'I am here accuſ'd for purpoſing to kill THE KING; and to make my pretended crime appear more frightful, it is given out that the way was to be by poiſon. With what ſtrange impudence can any accuſe me of ſuch wickedneſs who never ſaw any poiſon, nor know I any thing about the preparation of it? Let them tell where I bought it, or who procur'd it for me? Or though I had it, how could I uſe it, ſince I never come near THE KING's perſon, his table, nor Palace? It is well known, that, ſince my laſt marriage with this unfortunate gentleman, I have liv'd in the country, at a great diſtance from the Court. What opportunity could I have to poiſon THE KING?

'You may ſee by thoſe circumſtances, which give great light in ſuch matters, that I am entirely innocent of thoſe crimes I am charg'd with. It is of the office of you Judges to protect injur'd innocence: But if the malice and power of my enemies be ſuch, that, whether guilty or innocent, I muſt needs be condemn'd, I ſhall die cheerfully, having the teſtimony of a good conſcience; and aſſure yourſelves, you ſhall find it more eaſy to take away my life than to blaſt my reputation, or to fix any real blot upon my memory.

'This is my laſt deſire of you, that I may be the ſole object of your ſeverity, and that thoſe other innocent perſons may not ſhare in my misfortunes. Seeing my chief crime is that I am deſcended of THE FAMILY OF DOWGLASS, there is no reaſon that they ſhould be involv'd in my ruin; for my huſband, ſon, and couſin, are neither of them of that Name or Family. I ſhall end my life with more comfort if you abſolve them; for the more of us that ſuffer by your unjuſt Sentence the greater will be your guilt, and the more terrible your condemnation, when you ſhall be tried at the great day by the Almighty GOD, who is the impartial Judge of all fleſh.'

The Judges repreſent the Caſe of Lady Jane to the King.

This SPEECH was deliver'd with ſuch courage, and free from fear, that the Judges were extremely aſtoniſh'd at her heroick behaviour; and when they had conſider'd what ſhe had ſaid in her own defence, they delay'd the Sentence, and ſent two of their number to THE KING, to repreſent to him, that, though the Witneſſes had prov'd the Articles of Impeachment, and that according to the laws of the land, upon the Evidence, ſhe deſerv'd death; yet, upon a ſerious conſideration of the whole circumſtances of the matter, they could not perceive the leaſt probability of her guilt: They were afraid leſt the rigour of the law in this caſe ſhould prove the height of injuſtice,[1] therefore they wiſh'd rather that equity and mercy ſhould take place, it being more ſafe to abſolve a criminal than to condemn an innocent perſon: That time alone could diſcover the truth of the matter, by making known the characters of thoſe Witneſſes who had ſworn againſt her, whether they were men of honeſty, or had been bribed to accuſe her: That nothing was more adviſable than to delay the whole affair for ſome days, which could be no danger to THE KING, ſince thoſe perſons were not to have their liberty; and when there appear'd any clear proof of their guilt, they might ſuffer according to the law. As for themſelves, they were tied up to the form and letter of the law; it belong'd only to his Majeſty to temper and moderate their Sentence by his clemency: Upon which account, they addreſſ'd themſelves to him, ſince in ſuch caſes wherein the life, honour, and effects of perſons of diſtinction are concern'd, all poſſible caution was neceſſary.

[1] Summa juſtitia ſumma injuria.

The King's Anſwer to the Judges.

THE KING, who was naturally merciful, had eaſily complied with this requeſt of the Judges, had not *Lyon* (who contriv'd the helliſh plot, and then fear'd that if they eſcap'd his wickedneſs would be diſcover'd) prevail'd with THE KING to return this Anſwer to the Judges: That the exerciſe of Juſtice was a conſiderable part of the Royal dignity, which he had entruſted them with when he made them Judges: That it belong'd to their Office to preſerve the Innocent and puniſh the Guilty: That the Book call'd *Regiam Majeſtatem* contain'd all the forms and rules which ought to determine them in ſuch caſes: Wherefore, he gave them full power to proceed in that matter, according to juſtice and the Laws of the land; and ſaid, he knew nothing that could hinder them from doing their duty like men of judgment and honour.

Lady Jane Executed.

With this anſwer, thoſe that were ſent to wait upon THE KING return'd to the Exchequer, (where the Court of Juſtice then ſat,) and reported to the reſt of the Judges what THE KING had given them in charge. Whereupon the Judges gave Sentence againſt the Lady, according to the Law. She heard the Sentence pronounc'd without the leaſt ſigne of terrour or concern. On the day appointed for her Execution, ſhe ſuffer'd on THE CASTLE-HILL OF EDINBURGH; where ſhe appear'd with ſo much beauty and little concern, that all the ſpectators were ſo deeply afflicted for her, that they burſt out with tears and loud lamentations for her untimely end, and were ſo confident of her Innocence, that they deſign'd to reſcue her: But THE KING's Officers and Guards being preſent, hinder'd their attempting any thing that way.

Thus died this moſt noble Lady, whoſe death was lamented by all that knew or beheld her, excepſ the moſt inhuman barbarian who brought her to this lamentable end.

The next day after her death, HER HUSBAND (Archibald Campbell) deſign'd to make his eſcape out of *the Caſile of Edinburgh*, being let down over the walls by a rope, which happening to be too ſhort, or broke, he fell upon the rocks, where he was daſh'd to pieces.

THE KING ſeem'd much concern'd after the Execution of *Lady Jane* and the death of her huſband, and cauſed releaſe the old Gentleman her Chaplain. But yet, THE YOUNG LORD GLAMIS was ſtill kept in the Caſtle, till after THE KING's death.

William Lyon confeſſes his crime, and flies from juſtice.

After this moſt virtuous and excellent, as well as beautiful, Lady fell a victim to her inhuman lover, he began to reflect on his wickedneſs, and was ſo fill'd with horror that he was not able to endure the laſhes of his troubled conſcience. He lamented his crimes when it was too late, and having ſuch confidence in THE KING's mercy, he confeſſ'd the whole matter ſecretly to him. But finding THE KING abhorr'd ſuch wickedneſs, he fled from the Court, knowing that he could not eſcape being puniſh'd according to his crimes; and departing from Scotland, he ſoon after died in *Flanders*, in great miſery.[1]

II. NARRATIVE *from 'The Hiſtory of the Houſes of Douglas and Angus, by Maſter David Hume of Godſcroft.'*

'THE KING's anger ſtill continued againſt them (the DOUGLASSES) in ſuch ſort, that nine years after, in 1537, he was contented that *Jeane Douglas* Lady *Glames*, (who was *Angus'* Siſter,) ſhould be accuſed by falſe Witneſſes, condemned, and execute. The point of her accuſation was, that ſhe, and her Huſband, (*Archibald Campbell* then,) and her Sonne, and an old Prieſt, had gone about to make away the King by Witchecraft. Their ſervants were tried and racked, but confeſſed nothing; the Accuſer, *John Lyon*,[2] a kinſman of her firſt huſband, when he ſaw how they were like to be

[1] Folio, Edin. Printed by Evan Taylor, Printer to the King's most excellent Majestie, 1644, p. 261.

[2] '*William*' on the margin. It will be seen, from the other proceedings, that William was this person's name.

ufed, and that the Houfe of *Glames* would be ruined, repenting of what he had done, confeffed to the King that he had wronged them; but it did no good.

'She was burnt upon the *Cafile-hill*, with great commiferation of the people, in regard of her noble bloud, of her hufband, being in the prime of her years, of a fingular beauty, and fuffering all, though a woman, with a man-like courage; all men conceiving that it was not this fact, but the hatred the King carried to her brothers, that had brought her to this end. Her hufband, feeking to efcape over the wall of the Caftle, fell, and broke his leg, and fo died. Her fonne was kept in prifon, becaufe he was fo young that the law could not ftrike againft him.

'Others were committed to Ward, as *Sir George Hume* of *Wedderburne*, who was *Angus* his fifter's fon, to *Black-Nesse*, for whom his mother, Dame *Alison Douglas*, coming often to entreat the King for him, though he always ufed her courteoufly, and gave her good countenance, and that almost onely to her of all their friends: So that his language was by way of excufing, without deniall; yet fhe could obtain nothing, till a little before his death, about the Rode of *Fawla*, when hee began to miffe their service, then he fet him at libertie. His implacabilitie did alfo appear in his carriage towards *Archbald* of *Kilfpindie*, whom he, when he was a childe, loved fingularlie well for his ability of body, and was wont to call him his *Gray-Steel*.

'*Archbald* being banifhed into *England*, could not well comport with the humour of that nation, which he thought to be too proud, and that they had too high a conceit of themfelves, joyned with a contempt and defpifing of all others. Wherefore, being wearied of that life, and remembring the King's favour of old towards him, he determined to try the King's mercifulnefs and clemency. So he comes into *Scotland*, and taking occafion of the King's hunting in the Park at *Stirling*, he cafts himfelf to be in his way, as he was coming home to the Caftle. So foon as the King faw him afar off, ere he came near, he gueffed it was he, and faid to one of his Courtiers, yonder is my *Grey-Steil*, *Archbald* of *Kilfpindie*, if he be alive. The other anfwered, That it could not be he, and that he durft not come into the King's prefence. The King approaching, he fell upon his knees, and craved Pardon, and promifed from thence forward to abftain from meddling in public affairs, and to lead a quiet and private life. The King went by, without giving him any anfwer, and trotted a good round pace up the hill. *Kilfpindie* followed, and, though he wore on him a fecret, or fhirt of mail for his particular enemies, was as foon at the Caftle-gate as the King. There he fat him down upon a ftone without, and entreated fome of the King's fervants for a cup of drink, being wearie and thirftie: But they, fearing the King's difpleafure, durft give him none. When the King was fat at his dinner, he afked what he had done, what he had faid, and whither he had gone? It was told him that he had defired a cup of drink, and had gotten none. The King reproved them very fharply for their difcourtefie, and told them, That if he had not taken an oath that no Douglas fhould ever ferve him, he would have received him into his fervice, for he had feen him fometime a man of great abilitie. Then he fent him word to go to Leith, and expect his further pleafure. Then fome kinfman of *David Falconer* (the canonier that was flain at *Tantallon*,) began to quarrel with *Archbald* about the matter, wherewith the King fhewed himfelf not well pleafed when he heard of it. Then he commanded him to go to *France* for a certain fpace, till he heard farther from him. And fo he did, and died fhortly after. This gave occafion to the King of *England* (*Henry* VIII.) to blame his nephew, alledging the old faying, *That the King's face fhould give grace*. For this *Archbald* (whatfoever were *Anguse's* or Sir *George* his fault) had not been principal actor of any thing, nor no counfeller nor ftirrer up, but only a follower of his friends, and that noways cruelly difpofed.

'He caufed alfo execute Sir *James Hamilton* of *Evendale*, for divers reafons: But that which incenfed him moft, was his Correfpondencie and fecret trafficking and meeting with the banifhed Douglasses, efpecially with Sir *George*, whom he met with in the *Park-head*, as the King was

informed. There was no man that he could hear had but received them into his houſe, but he cauſed apprehend, and execute the rigour of the law upon them. He cauſed the Laird of *Blackader* bring in *John Niſbet* of the *Spittel*, and made him to be execute to death, for receiving (as was alledged at leaſt) the Earl of *Angus* into his houſe.

'Theſe many Executions, proceeding from many Reports and Delations given to him, bred great ſuſpicion in his minde; all the woods ſeemed full of Theeves. Many were put to death for the DOUGLASSES; this was a token that they had many favourers: many were offended by these executions, and ſo many ill-willers, by being offended. So his ſuſpicion againſt the Nobility was daily increaſed; his jealousy growes, cares multiply, his mind is diſturbed, which would not ſuffer him to ſleep ſound, but troubled his head with dreames and fanſies.'

III. NARRATIVE *from Bishop Lesley's History of Scotland.*[1]

IN this ſymmer wes tane THE LADY GLAMMES, ſiſter to the Erle of Angus, and *David Lyoun* hir huſband, and brocht to the toun of Edinburgh, and wer accuſit and convict be ane Aſſyſe for Conſpiracie of THE KINGIS deid. And the ſaide lady wes brint, and hir huſband hangit thairfor.[2] The LORD GLAMMES, her ſone, wes convict for knawlege and Conſpiracie of the famin, and thairfoir forfaltit of his landis, and condampnit to dee. Bot becauſe he wes younge and tendir of aige, THE KING ſpairit his lyff, and committed him to perpetuall preſoun; quhair he remainit during THE KINGIS liff tyme, in the Caſtell of Edinburgh.

Shortlie thaireftir, JOHNE MAISTER OF FORBES, and eldeſt ſone to the Lord Forbes, quha had maryit the ſaid *Lady Glammes* ſiſter, wes accuſet in Edinburgh, and convict be ane Aſſyſe for the like Conſpiracie of THE KINGIS deid; and thairfoir wes heidit and quarterit at Edinburgh, and his heid and quarteris affixt apoun the Portis. The *Lord Forbes*, his fader, being ſuſpectit thairof, wes halden in ward in the Caſtell of Edinburghe; bot he wes thaireftir releiſit.

IV. NARRATIVE *from 'The Genealogie of the Houſe of Drummond.' Unpublished.*[3]

ANOTHER daughter of GEORGE MASTER OF ANGUS, with Lady Elizabeth Drummond, was Jean Douglas, Lady Glammis, married to John Lord Glammis, called to a by-name, 'Cleanſe the Cauſay.' In the year 1537, ſhe was accuſed, by ſuſpected witneſſes, (if not falſe,) that ſhe and her ſone and ſome others had gone about to take away King James the Fifth his lyfe by witchcraft; whereupon ſhe was brunt upon the Caſtle Hill of Edinburgh, with great commiſeration of the people, in regaird of her noble blood and ſingular beautie, ſhe being in the prime of her age, and ſuffering with a maſculine courage, al men conceaveing that the King's hatred to her brothers had brought her to that end.

Her ſone John, who was next lord, was alſo condemned and forfaulted; yet, becauſe he was a minor, reſerved in priſon untill he ſhould be of age to have his ſentence put in execution. Bot after the King's death, in anno 1542, he was againe reſtored to his lyfe, eſtate, and honor, and was father to John Lyon, Lord Glames, Chancellor of Scotland, whoſe ſone was Patrick, the firſt Earle of Kinghorn, and married to Anna Murray, daughter to John, then Laird of Tullibardine, begot upon Catharine Drummond, daughter to David Lord Drummond; this Patrick, the firſt Earle, was grandfather to Patrick, now Earle of Strathmore and Kinghorn.

[1] *Bannatyne Club's* Edit. 1830, p. 154. [2] These unpardonable errors show strongly how little is to be relied even on the most accurate of our old Historians in matters of this description. A mistake inadvertently made by one was sure to run through all future Histories, without examination. [3] GENEALOGIE OF THE HOUSE OF DRUMMOND, Quarto, 1831, p. 145. Preparing for Private circulation from the *Strathallan MSS.* &c. The Editor is indebted to the learned Gentleman who conducts the publication of this Family History, for the present extract.

The families lineally defcended of this Lady Glames, befydes Strathmore, are Duke Hamilton, Earle of Caffills, Earle of Morton, Lord Spynie.

V. Narrative *from Calderwood's MS. History of the Church of Scotland.*

Jeane Douglass Ladie Glames, and fifter to the Erle of Angous, was indicted and convict be ane Affife, having, with her fecond hufband, *Gillefpiek Campbell*,[1] her fon, ane old Preeft, and *John Lyoun*, her firft hufband's kinfman, fought to have killed the King with Poyfoun. Howbeit, they dwelt far from Court, and nothing could be extorted from their frinds or fervents, quhich anie wife might ferve againeft them; yit war they tortoured and committed to the Caftell of Edinburghe.

Jeane Douglass was burnt wpon the 5 day after the beheading of the Master of Forbes. Her death was greatlie lamented be the people, for her nobilitie, her youth, her beautie, her courage at her death, but moft of all, becaufe it was judged that hatred againft her bannifhed brother, rather then guiltinefs of anie crime committed, had brought her to that end. Her hufband, *Gillefpick Campbell*, while he preffed to efcape out of the Caftell be a cord over the wall, the end being fhort, he brake all his bonds,[2] and died. His fone, a fimple youth, fcarce lyable to fufpicioune for fuch a crime, was detained imprifound during the King's life; and after, reftored to his patrimonie.

The accufer was one *William Lyoun*, a kinfman. He repented, too late, of the calamitie he had brought upon fuch a noble Houfe, be his calumnies; and confeffed his wicked purpofe to the King. Bot the King relented nothing notwithftanding, aither of his rigour, of the punifhment, or of the forfaltour of the Lands.

Archibald Dowglafs of Killfpindie,[3] quhom he loved fingularlie for his abilitie quhen he was a child, and called him his *Grayfteele*, had come into the countrie fecreitlie, and fallen doun upon his knees before him, and craved pardoune, quhen the King was returning from the Park of Stirline to the Caftell; bot the King paft by! This gave occatioune to King Henrie of England to blame his nephew, and to alledge the commoun faying, 'a King's face fhould have grace.' The Earle of Angous fifter-fon, *George Hume of Wedderburne*, he committed to warde in Blackneffe, and determined him in award;[4] till a littell before his death, that he had need of fervice at Fala Raid, quhen the King fett him at libertie, and gave him a white horfe of rare fpeed. Bot for[5] this prefent, his wraith againft the Douglasses was implacable.[6]

VI. Notice *from Anderson's MS. History of Scotland.*

About this tyme, the Ladie Glames, hir fone *the Lord Glames*, of 16 ȝeiris of aidge, hir hufband, *Archibald Campbell of Keipnech*, ane barbour, and a Preift, war accufid for Treffoun, in the Tolbuith of Ed^r. The faid *Ladie* was condamet and Brunt. . . . . .

Schort quhyle eftir, followid aue wther judgment,[7] in confideratioun of the parentadge accufid, the novaltie of the cryme, the creweltie of the cryme and executioune, moft miferabill. Joane Douglas, fifter to *the Earle of Angus, Johnne Lord Glames* wyff, as is in maner forfaid, was accufid that fcho, hir hufband, and fone was to poyfone the King, was brunt. Hir hufband being Wairdit in the Caftell of Ed^r, thinking to brek (Waird) and com away, be ane tow,[8] the fame was fchort: He fell and brak all his banes, and died.[9]

VII. Notice *from Sir James Balfour's Annals.*

This ȝeire, alfo, the Lady Glamise, fifter to *the Erle of Angus*, and her hufband, *Dauid Lyone*,[10]

[1] *Buchanan*, in his History, generally designates Archibald Earl of Argyll, *Gillespik*. [2] Bones. [3] See this narrated at length in *Hume's* History of the House of Douglas and Angus. Edin. 1743, ii, 107. [4] Fine for his return, &c., for which he had forfeited his Bond. [5] Notwithstanding. [6] *Calderwood's* History of the Church of Scotland, MS. Adv. Library. [7] He precedes this brief notice by an account of Lord Forbes's Treason. [8] Rope. [9] *Anderson's* MS. History of Scotland, Adv. Library. [10] *Lesley's* blunder repeated.

wer arrann'd for Treſſone againſt THE KING's perſone. The Lady was brunt, and her huſband was hangitt,[1] and her ſone, THE LORD GLAMISE, was forſaulted, bot his lyffe was ſpared; becauſſe he, knowing, did not reweill his mother's deſeinges, and was ſentenced to perpetuall priſone.[2]

VIII. LETTER *from Sir Thomas Clifford to King Henry VIII.*[3]

MR PINKERTON having repeatedly quoted this Letter in his History, as being illustrative of the proceedings against THE MASTER OF FORBES and LADY GLAMMIS, the Editor deemed it proper to procure a Transcript of so valuable a document, proceeding, as it does, from the pen of such an eminent individual as *Sir Thomas Clifford.* Through the polite attention of *Frederic Madden, Esquire, F.A.S.*, the Editor is enabled to lay before the reader all that is applicable to these Cases. Mr Madden remarks, that this interesting Paper 'is a *copy* by *Sir Thomas* himself, inclosed in a Letter from him to the Lord Privy Seal (*Cromwell*), the latter of which is dated from Berwick Castle, 26th July (1537.) The chief object of his Letter to THE KING is to inform him of THE KING OF SCOTS' secret visit to *Dunbar*, and provision of ordnance there and at other places. In consequence of which, *Sir Thomas* represents the defenceless state of Berwick, and desires aid and means of resistance in case of attack. The only portion of the Letter which refers to the execution of THE MASTER OF FORBES, &c., is the last paragraph.'

'As for vther newes occurrant in Scotland, on Saterday the xiiijth day of this month inſtaunt, THE MAISTER OF FORBOSE, ſone and heir to the Lord Forboſe, was attached of Treaſon againſt THE KINGIS perſon; of ſuch mattir as he at his deth dyd tacke vpone hyme þat he was ſackles[4] off. Howbeit, he was the ſame day drawin, bedyt, and quartered in Edynburgh.

'And on Tewſday nixt followinge, THE LAYDY GLAMMES, ſuſter to TH' ERLE OF ANGUYSH, was brint in Edynburgh for Treaſon layd vnto hir charge againſt THE KINGIS perſon; as I can perceyue, without any ſubſtanciall ground or proyf of mattir.

'Ther is remaynyng in Wayrd,[5] by THE KINGIS comaundement, THE LORD FORBOSE, William Forboſe, his couſſine germayne, the Lord Glammes, the Lord of Wetherburn, Hewe Dougles, Eſquier, the Lord[6] of Whytingham, Petter of Carmyghell, the Lord[7] Glaybarve, Robert Dowgles, Mr Davy Straywham,[8] with diuers vther.'

Concealing the Lady Glammis's treasonable Conspiracy against the King's life, by Poison.

[THE circumstances attending the following Case have already been fully explained in the preceding Trial of JONET LADY GLAMMYS, which renders farther remark unnecessary in this place.

On Jun. 15 preceding, this entry occurs in the Books of Adjournal:—'The quhilk day, DAUID, ERLE OF CRAUFURD, ROBERT DOWGLASE OF LOCHLEVIN, THE LARD OF LAWMOND, and ARCHIBALD CAMPBELL OF SKIPYNCHE,[9] ar becumin pleggis and fouerteis, coniunctlie and feueralie, vndir þe pane of *tuenty thowſand markis*, þat þe LORD GLAMMYS ſall remane in Warde, within þe Caſtell of Edinburt, and ſall nocht eſchaip nor eſchew furth of þe ſamyne, quhill he haue þe KINGIS grace Licence, vndir þe ſaid pane.'

The reader is already aware that JOHN *seventh* LORD GLAMMYS, although sentenced to be executed, was merely imprisoned during the life of KING JAMES V. He was, no doubt, but a youth at that time; but it was the jealous policy of THE KING, reckoning on the revengeful spirit of the times, to put it out of the power of this young Lord to be tempted to avenge his mother's cause and his own,

[1] Both *Leslie* and *Balfour* fall into these gross mistakes. [2] *Sir James Balfour's Annales*, I, 267. [3] *MSS. Cotton.* British Museum, *Calig.* B. iii, f. 183. [4] Innocent; guiltless. [5] Ward; prison. [6] Laird. [7] Laird of Glenbervy. [8] Strathauchin, or Strauchane. [9] The same individual, it is believed, who married LADY GLAMMIS, and who was killed on the rocks of the Castle of Edinburgh, in attempting to effect his escape from ward. This entry confirms the Editor's conjecture as to this person's identity.

either by secret Conspiracy against his life, or by an open appeal to the King's known enemies. Notwithstanding of the public acknowledgment of the young Lord's innocence, his estates were most unjustly annexed to the Crown, by Act of Parliament, Dec. 3, 1540. After the death of King James V, he brought a formal process of Reduction of his Forfeiture, which was legally rescinded, and his estates and honours were restored by Parliament, Mar. 15, 1542-3.

After his being thus restored, Lord Glammys married *Jonet Keith*, second daughter of Robert Lord Keith, and sister of William *fourth* Earl Marischal; and died anno 1558.]

Jul. 18.—John Lord Glammys, Conuictus de arte et parte proditorie Concelationis et non reuelationis proditorie Imaginationis et Conſpirationis diſtructionis nobiliſſime perſone ſereniſſimi domini noſtri Regis, per venenum peſſimum, per dictam quondam Dominam Jonetam, ejus matrem, conſpirat. et imaginat., et eidem Johanni oſten. et demonſtrat.: Et pro arte et parte cum dicta quondam Joneta, ejus matre, in dict. criminibus proditionis.

Nomina Assise *elect. jurat. et admiſſ. ſuper prefato Johanne Lyoun, Domino de Glammys, viz.*

Robertus, Dominus Maxwell,	Johan. Mailuill de Raith, miles,	Hugo, Magiſter de Eglintoune,
Hugo, Dominus Somervil,	Johan. Hume de Coldenknowis,	Johan. Strieueling de Kere, miles,
Will. Magiſt. de Glencarne, miles,	Dauid Berclay de Matheris,	Andreas, Dominus Vchiltre,
Jacobus Gordoun de Lochinver,	Gilbertus, Comes de Caſſillis,	Jacob. Towris de Iuuerleith, miles,
Ninian. Creichtoun de Bellybocht,	Georgeus, Dominus Seytoune,	Alexander Fraſer de Phillorthe.

Sententia Forisfacture *data aduerſus premominatum Johannem, Dominum de Glammys, per dict. ſectatorem, prout ſequitur in vulgari.*

It is fundin be ane condigne Aſſiſe, That Johne Lord of Glammys hes committit art and part of þe treſſonable conceling and nocht reueling of þe treſſonabill Conſpiratioune and imaginatioune of þe diſtructioune of oure ſouerane lordis maiſt nobill perſoune be poyſoune, ymaginat and conſpirat be vmq[le] Jonet Lady Glammys, his moder, to quhome he conſentit and was art and part with hir þairintill; as at mair lenth is contenit in þe Dittay, &c.—For þe quhilk cauſſis he hes forfaltit to oure ſouerane lord his life, landis, and gudis, movable and vnmovable, and ſall be hangit and drawn, and demanyt as ane Traytour.

Treasonably concealing the Master of Forbes's Conspiracy to Slay the King.

[In the preceding Trial of John Master of Forbes, the reader has seen that John Strathauchin, or Strachane, was implicated with him in the same crime. Without recapitulating that case, the Editor merely inserts a short paragraph explanatory of the matter,[1] which, so far as Strachane was concerned, seems tolerably correct.

'About the time that this embaſſy[2] was dispatch'd, the King was alarmed with many falſe reports of Plots againſt his life; and ſome villainous perſons took opportunity to work up the King's ſuſpicion to a belief of their horrid contrivance. The firſt perſon that was ſacrific'd to that villainous re-

[1] *David Scott's* Hist., Folio, *Westminster*, 1727, p. 344. [2] Cardinal Beaton and Maxwell, who were sent Ambassadors to France to conclude a Marriage with Mary of Lorraine.

venge was *John Forbeſs* (MASTER OF FORBES), eldeſt ſon to the *Lord Forbeſs*, the Chief of that Name; a young man of great courage and good education, but had liv'd a vicious life, and had entertain'd one *Straghan* as a companion in his debauchery. This *Straghan* took opportunity to deſire the gift of ſomething from *John Forbeſs*, which not being convenient for him to give, he excuſed himſelf. Upon which, *Straghan* was ſo offended, that he ſtrove to be reveng'd on him; and knowing the EARL OF HUNTLY to be at variance with JOHN FORBESS, he went to *the Earl* and accus'd him of having for a long time deſign'd to murder THE KING: And by this means found falſe evidences to ſwear to what he alledg'd, that *Mr Forbeſs* was reſolv'd to aſſaſſinate THE KING, ſo that by his death THE DOWGLASSES might be reſtor'd to their ancient poſſeſſions, titles, and honour. Whereupon *John Forbes* was impeach'd, and by the teſtimony of thoſe falſe witneſſes, found guilty of death by the laws of Scotland; and was beheaded.

'THE KING was ſo much concern'd for this Nobleman's death, that he baniſhed *Straghan*, and reſtor'd the ſecond brother of the *Lord Forbes* to his brother's eſtate and honour: And, in token of his favour, made him one of his Bed-chamber; and the third brother was, by THE KING's intereſt, married to a lady of great fortune.']

Jul. 20.—JOHN STRATHAUCHIN, ſon and heir apparent of Thomas Strathauchin of Lethinturk, accuſed of being a participator in the Maſter of Forbes's treaſon, having become in THE KING's will, the following LETTER, declaring the royal pleaſure, was entered on the books of Adjournal, and ſentence pronounced accordingly.

'JAMES, be þe grace of God, King of Scottis. To all and ſundry our lieges, and ſubditis, quham it efferis, (to) quhais knaulege þir our Letteris ſall cum, greting: Forſamekill as JOHNE STRATHAUCHIN, ſone and apperand are to Thomas Strathauchin of Lethinturkis, is becumin in oure will, for arte and parte of þe treſonabill conceling, ymaginaciounе and deuiſing of our deſtructiounе and Slauchter, be vmquhile JOHNE MAISTER OF FORBES, with ane culvering, and vthir treſonabill dedis and wordis committit be þe ſaid vmq[le] Jobne; ffor þe quhilkis he was conuict and juſtifyt to þe dede for þe ſamyne. WE, herefore declaring our WILL and vtter mynd anent þe ſaid Johne in þe premiſſes, be þe tenour hereof, decernis, declaris, and ordanis him to paſs and remane in Warde, beȝond þe Watter of Dee, in quhat pairtis he pleſis, induring our will: AND gif We, in proper perſoune, happenis to reſort or cum beȝond þe ſaid Watter, þe ſaid Johne to hald and ontdraw him fra ws be þe ſpace of xij mylis. CHARGEING ȝow, herefore, all and ſundry our liegis and ſubditis, quham it efferis, that nane of ȝow tak vpone hand to do or attempt ony thing incontrar violatiounе or breking of þis our declaratiounе of oure mynd and will anent þe ſaid Johne, concerning þe premiſſes; and to ſuffer him to joiſe and brouk peciabilly, and to remane beȝond þe ſaid Watter, in Warde, in maner forſaid, during þe ſpace forſaid, aboue writtin, vndir all þe hieſt pane, charge, and offence þat ȝe and ilk ane man[1] commit and inrin[2] agane our Maieſté in þat pairt. SUBSCRIUIT with our hand, and vndir our ſignete, At Halyrudehouſe, þe xviij day of July, and of our regne þe xxiiij ȝere.'

[JAMES R.]

Beſetting the way — Hurting and Wounding, &c.

Aug. 8.—MICHAEL ANDIRSOUN, John and Andrew Fortoun, and Walter Balwarde, amerciated for not entering themſelves to underly the law for art and part of beſetting the way to Mr Alexander Spens and Mr John Spens,

[1] Must consequently, thereby. [2] Literally, run into, incur.

brothers, the ſons of David Spens of Wolmerſtoune, on June 28 last; and invading them for their Slaughters, within the burgh of Cowper: And for art and part of Hurting and Wounding them at ſame time.

Convocation of the Lieges — Invasion — Wounding, &c.

Aug. 8.—David Spens of Wolmerſtoun, Mr Alexander, George, Robert, and Mr John, his ſons, Andrew Spens, brother of John S. of Mariſtoun, Andrew Lindeſay, ſon of William L. of Pyotſtoun, Sir Alexander Spens, chaplain, and ten others, found ſurety[1] to underly the law at the next Juſtice-aire of Fife for art and part of Convocation of the lieges to a great number, armed in warlike manner, and Beſetting the way to George Arthe of Smetoune and his ſons,[2] Invading them for their Slaughter, and cruelly Wounding Nicholas, George, and Sir Walter Arthe, to the great effuſion of their blood; committit within the burgh of Cowper, on Jul. 28 laſt, of forethought felony.[3]

Mutilation.

Aug. 9.—John Cunynghame of Caprintoune, David Boſwell of Auchinlek, George Dowglas of Pennyland, and twenty-ſix others, found caution to underly the law at the next Juſtice-aire of Air, for art and part of the Mutilation of John Sampſoune, of the thumb of his right hand, of forethought felony.

Slaughter — Burning of Cunzartoun.

Aug. 11.—Mr Robert Douglas, brother to the Laird of Bone-Jedburghe, Mr William Ker, Rector of Auld Roxburghe, George Ker of Lintoune, Gilbert Ker, young Laird of Greneheid, Thomas Macdowell of Makcarſtoune, and eight others, found caution to underly the law at the next Aire of Roxburghe, for art and part of the cruel Slaughter of William and Andrew Hall.[4]—(Aug. 13.) Persy Hall and others,[5] found caution to the ſame effect, to anſwer for the crimes formerly imputed to them; and for the Burning of Cunzartoune.

Treason — Intercommuning with the Earl of Angus and other Traitors.

Aug. 16.—Alexander Hume, Convicted of the treaſonable Affiſtance afforded by him to Archibald, formerly Earl of Angus, and George Douglas, his brother, Traitors and Rebels to the King: And ſpecially, at the time of the Burning of Colbrandiſpethe and Auldhamſtokis, the ſaid Traitors being with

[1] David Spens, younger of Wolmerstoun, is one of the cautioners. [2] John, George, Sir Walter (chaplain), Thomas, and Allan. [3] Other indictments against several persons followed from the same squabble, unnecessary to be here detailed. [4] See Apr. 17, 1537. [5] See Ibid.

the Engliſh Army: And for Intercommuning with the ſaid Rebels in a treaſonable manner: And for Intercommuning with other rebels, not being traitors.—BEHEADED.

Oppression — Treasonably assisting the Earl of Angus, &c.

Aug. 22.—JOHN MATHESONE, junior, Convicted of art and part of the forethought felony and Oppreſſion done to John Lummiſdale, dwelling in Cleghorne, coming upon him at North Berwik for his Slaughter: AND for art and part of the Oppreſſion done to William Cokburne, coming upon him in the Harbour of North Berwik for his Slaughter, Committed after Chriſtmas laſt. ITEM, for art and part of the treaſonable affiſtance and Intercommuning with Archibald, ſometime Earl of Angus, George Douglas, Little Alexander Jardin, William and Thomas Baty, George Downy, and others their accomplices, Rebels and Traitors, informing them in a treaſonable manner of the ſecrets of the kingdom of Scotland, after the date of his Remiſſion.—BEHEADED.

Concealing the Lady Glammis's Conspiracy against the King — Poisoning the Earl of Rothes, &c.

Aug. 22.—JOHN LYOUNE, ſenior, in Knokcany.

[THE importance of this and the following Trial, as appendages to those of LADY GLAMMIS, &c. demands that the Editor should extract the entries from the record *literatim*, so that the reader may be in possession of the minutest facts, as they are expressed in the technical phraseology of the period. It is unnecessary to offer any farther observations on these proceedings, which are now for the first time made public.]

LAUD *ſive* JUDICIUM FORISFACTURE *datum ſuper quondam Johannem Lyoune.*

JOHANNES LYOUNE, ſenior, in Knokcany, Convictus de arte et parte proditorie concelationis et non revelationis proditorie et abhominabilis Conſpirationis et ymaginationis diſtructionis nobiliſſime perſone Supremi domini noſtri REGIS, per (peſſimum) venenum, vulgo le *poysone*, ymaginat. et Conſpirat. per quondam JONETAM DOMINAM DE GLAMMYS, ejus filium, et eorum complices ac participes; quibus proditoribus dict. Johannes affiſtebat, ſupplementum, fauorem et auxilium prebuit et exhibuit in eorum nequiſſimis, peruerſis, et proditoriis Conſpirationibus et ymaginationibus pro diſtructione dict. ſereniſſimi domini noſtri REGIS, per dict. proditores ymaginat. et conſpirat.: Et pro arte et parte cum eis in eiſdem. ITEM, pro arte et parte proditorii vſus et intromiſſionis cum dict. peſſimo veneno le *poysone* pro diſtructione COMITIS DE ROTHES, in proditorio modo, contra Statuta et Acta Parliamenti, penas in eiſdem contentas incurren. et deſeruien.—PRO quibuſquidem criminibus et calumpniis dict. JOHANNES LYOUNE fforisfecit ſuam vitam, terras, et poſſeſſiones ſuas quaſ-

cumque, ac omnia bona ſua mobilia et immobilia domino Regi eſchaet. Et TRAHITUR et DECOLLATUR.—Et hoc judicium ſive laudum redditum et prelatum fuit per os Willelmi Carwod, ſectatorem dicte Curie.

Making and selling Poison — Concealing Lady Glammis's Treason.

Aug. 22.—Alexander Makke, Conuict de arte et parte proditorie confectionis, intromiſſionis et venditionis veneni, le *poysone*, contra Statuta et Acta Parliamenti, penas in eiſdem incurren.: Ac etiam pro arte et parte proditorie concelationis et non reuelationis de dict. proditorio veneno, ipſo cognoſcente ex dicto Johanne Lyoune effectum propter quem ordinatum et emptum fuit: Et pro arte et parte cum dicto Johanne in dictis ſuis proditoriis actionibus.—Pro quibuſquidem criminibus auris dict. Alexandri abſcindatur, et erit BANNITUS extra omnes partes Scotie, preter Vicecomitatum de Abirdene; et ibidem manebit omnibus diebus vite ſue; et quod[1] exibit dict. Vicecomitatum, ſub pena mortis. Et hoc redditum fuit pro judicio, per dict. ſectatorem.

Slaughter.

Aug. 31.—Walter Lynne, Convicted of art and part of the cruel Slaughter of Patrick Mowat, committed on forethought felony.—Beheaded.

Wilful Error on Assise — Imprisonment for year and day, &c.

Oct. 23.—Thomas Lawristoune of that Ilk, John Ramſay of Halhouſe, Henry Wardlaw of Kilbabirtoune, and four others, were tried by a grand jury,[2] who found that they had 'wilfullie and manifeſtlie errit, periurit and þame ſelff manſworne, in purgeing and declaring of John Pennycuke of that Ilk, Alexander, his bruthir, James Creichtoune, and James Lawſoune, quyte and but crime,[3] of þe Mutilatioune of Roger Tuedy in Lyntoune of his tholme[4] of his right hand, thay being vpone þe Aſſiſe of þe ſaidis perſonnis in ane Court of Juſticiarie, haldin in þe tolbuith of Edinburghe, þe ferd day of October, þe ȝear of God I^{m}V^{c}. xxxvj ȝeris; and þai ſeand with þare propir ene þe ſaid Rogeris tholme ſchewin before þame, for þe vndir part cutit away and mutilat; and ſua, hes manifeſtlie and Wilfullie erryt. Sentence.—And þarfor, all þair movable gudis ſall be þe Kingis eschete; and þai haue incurrit þe note of infamiti: And þair perſonis to be presonit for ane ȝeir and day, and farther, induring þe Kingis Will.

Convocation of the lieges — Stouthreif — Oppression.

Oct. 26.—Andrew Ker in Auld Roxburghe, William Ker in Stok-

[1] Non? [2] 'Per magnam Aſſiſam;' by 'ane gret Aſſiſe.' [3] Acquitted and free from crime. [4] Thumb.

ſtruther, and Thomas, his ſon, with *ſixty-five* others, came in the King's will[1] for art and part of Convocation of the lieges, to the number of two hundred perſons, armed in warlike manner, with targets,[2] ſplentis,[3] and other invaſive arms, on Aug. 2 laſt; and for art and part of the Stouthreif and Oppreſſion done to Helen Ruthirfurd of that Ilk, and her poor Tenants, coming to her lands of Hurdhouſe and Theifknowis, lying on the marches of her barony, and the lands of Rutherfurd, and Stouthreif from her and her tenants of ſixty 'ſled-full'[4] and ſixty 'cart-full' of 'hader.'[5]

Beſetting the Laird of Auchinamys for his Slaughter.

Nov. 13.—Sir John Walcar, Chaplain, dilated of art and part of Beſetting the way to Thomas Craufurd of Auchinamys, at his Fiſhing of Cart, and Invading him for his Slaughter, in company with William Lord Sempill, and his accomplices. He was replegiated by Gawin, Archbiſhop of Glaſgow, to his Regality.

Slaughter of the Lairds of Pardowy, Lettir, and Ballindroicht.

Nov. 15.—Colin Campbell of Auchinhowye, Convicted of art and part of the cruel Slaughter of Allan Hammiltoun of Pardowy, Robert Striueling of Lettir, and Andrew Striueling of Ballindroicht, committed of forethought felony, in company with Colin Campbell, younger, his ſon, William Campbell, his ſervant, John Campbell, his grandſon and heir-apparent, John Roger, his ſervant, and Charles Campbell, his porter.[6]—Beheaded.

Sedition and Insurrection in the Burgh of Air.

Jan. 19, 1537-8.—John Craufurd of Drongane, came in the King's will for art and part of the Sedition and Inſurrection made between the neighbours and the Inhabitants of the burgh of Air: And for art of the common Oppreſſion of his neighbours.—William Craufurd, young Laird of Leſſnoriis, and John Lokert of Bar, became cautioners to ſatisfy the King and the parties.

Hamesuckin and Oppression of the Laird of Bargany in Air, &c.

Jan. 19.—Alexander Lokert, burgeſs of Air, Convicted of art and part of Convocation of the lieges in great numbers, within the burgh of Air, in

[1] By a marking on the margin of the Record, it appears that Andrew Ker was fined 40 ℔, William and Thomas in 20 ℔. each, and the rest in 20 ſ. each. [2] 'Cum *cadurcis.*' It is by no means clear what is signified by this term, which, literally, denotes a *coverlet;* but it is likely to be used figuratively for some kind of shield or targe. [3] Armour for the legs, chiefly used by horsemen. [4] Sledges full. [5] Heather, heath. [6] Hugh Lord Somervill, Robert Bruce of Bynning, and Hugh Montgomery of Hessilheid, were amerciated for not passing upon this Assise.

Autumn laſt, againſt the tenor of the Acts of Parliament: And for art and part of the Hameſuckin and Oppreſſion done to Alexander Kennedy of Bargany, his near neighbour, at the ſame time; coming to his houſe, within the burgh of Air, in warlike manner, with invaſive weapons, and throwing ſtones at his windows and doors, and breaking and deſtroying the ſame. And for art and part of the Sedition and Inſurrection made between the neighbours and the Inhabitants of the burgh of Air: And for common Oppreſſion of his neighbours.

Taking captive, &c.—Ejection from certain lands—Murder.

Feb. 21.—Thomas Craufurd of Auchnames and Archibald Preſtoune came in the King's will for the compulſion and taking captive of Sir Thomas Craufurd, Chaplain, againſt his will, to the Place of Auchnames, and for detaining him therein in captivity and ſubjection, for a certain ſpace, uſurping thereby his Majeſty's authority.—He alſo came in the King's will, along with Thomas Rowane, for art and part of the unjuſt Ejection and outputting of Margaret Lufe (Love), widow, and John Paterſon, her ſon, furth of their ſet of the lands of Kibbilſtoune, within the lordſhip of Auchnames. Hugh Montgomery of Heſſilheid, the Maſter of Glencairne, and the Laird of Robertland, became cautioners to ſatisfy the King and parties.—The ſame day, the Laird of Auchnames, James, his brother, along with Preſtoune and Rowane, received the King's Reſpite for the cruel Slaughter and Murder of John Quhite, committed of forethought felony. Craufurd of Hanyng became ſurety for the ſatisfaction of the parties.

Treasonably assisting James Douglas of Parkheid.

Mar. 21.—John Tuedy, in Lyntoun, convicted of art and part of the treaſonable aſſiſtance given to James Douglas, formerly of Parkheid: And for art and part of 'way-putting' him;[1] he being ſuſpected of certain crimes of High Treaſon, and fugitive for the ſame; of the aſſiſtance, cauſing, and counſel of the ſaid John.—Delivered in Ward to the Captain of Edinburgh Caſtle.

Supplication *by Jonet Pollok, Spouſe of John Tuedy.*[2]

Souerane Lord, vnto ȝour gracious hienes huimlie menis and hevelie complanis and ſchawis I ȝour graces ſernitrice Jonet Pollok, ſpous of *Johne Tuedy*, in Lintoun, That quhare my ſad ſpous is hevelie trublit in ȝour graces Ward, in þe Caſtell of Edinburt, for cauſſis þat he is innocent of, as, will God, ſalbe heireſtir clerly vndirſtand to ȝour grace; and he is ſtratly kepit in preſon, and is daily at gret expenſis, and I haf na erdly gudis to gif him, bot it[3] I beg at frendis: And laitly, my Lord of Morton hes put me furth of my maling,[4] þat ſuld haf ſuſtenit my ſad ſpous and me, and our x (ten) barnis. Herefor, I beſeke ȝour l. nobill grace to haf royth and piete[5] of my ſad ſpons, and gif command to þe Capitan to kepe him in fré Ward, he findand ſicker ſouerté[6] þat he ſall nocht eſchaip nor

[1] Effecting his escape. [2] Orig. among Warrants of the Court. [3] Excepting what. [4] A small piece of ground for which mail or rent is paid. [5] Ruth and pity. [6] Sure caution or surety.

eſchew ȝour graces Ward; and I and my ten barnis ſall pray dailie for proſperité of ȝour nobill grace bath in ſaule and body, for our liſtymis. And ȝour gracious anſuer huimlie I beſeke, for þe reward of God.—(*Indorſed*) APUD ED$_{R}$. *primo Auguſti, anno* I^{m}V^{c}. xxxviij°. THE KINGIS grace Ordanis þe Juſtice-Clerk to reſſaue ſouerte of þis complenar, vndir gret panis;[1] quhilk ſovirte being fund, Ordanis þe Capitane to put him to fré Ward within þe Caſtell. JAMES R.

WARRANT *from the King to put John Tuedy to liberty, &c.*

REX,

JUSTICE-CLERK, It is our will and we charge ȝou þat incontinent eftir þe ſicht heirof ȝe cauſe JOHNE TUEDY, now being in Warde within our Caſtell of Ed^{r}, be lettin furth of þe famin to liberté; and tak ſouerté of him as ȝe think expedient, þat he ſall entir agane befoir our Juſtice, or his deputis, or within ony Caſtell of ouris, quhen he beis requirit, vpoun xv dayis warning, vndir certane gret panys; ȝe keipand þis for ȝour Warrand. SUBSCRIUIT with our hand, At Lynlythg^{w}, þe ſecund day of Februar, and of our regne þe xxvj ȝeir (1538-9). JAMES R.

Leasing-making puniſhed capitally.

Mar. 26, 1538.—WILLIAM SCOT Convicted of art and part of transgreſſing and breaking the Act of Parliament againſt Leaſing-makers, for eſchewing of diſcords between THE KING and his faithful BARONS, and lieges; incurring thereby the pains of the ſaid Act.—HANGED.

Murder — Stouthreif.

Apr. 15.—JOHN HENDIRSOUNE Convicted of art and part of the cruel Murder of . . . . . Hendirſone, coming upon him at Crukſtounhauche, on the water of Heremyte, and cruelly Murdering him: And for Stouthreif from him of his cloathes, certain Engliſh Nobles,[2] and his ſword.—HANGED.

Stealing wool from live sheep.

Apr. 15.—JOHN CORRY Convicted of art and part of the Theft and concealment of certain wool taken off ſeven live ſheep, under ſilence of night, within the Place of Wrichtis-Houſis, near Edinburgh.—His EARS CUT OFF, and to be afterwards SCOURGED through the burgh.

Lord Forbes's Treason, &c.

[IT is extremely probable that the wretched individual, whose piteous 'Supplicatioune' follows, was the person who betrayed JOHN MASTER OF FORBES, and who was, through the influence of *the Earl of Huntley*, the immediate cause of that young Nobleman's execution.

This document, which was found among the mass of loose papers and Warrants belonging to the Court, is so remarkable, that it has been thought proper to preserve it in this place. The reader is referred to the Trial of the Master of Forbes in this Collection.][3]

Apr. 26.—MAIST ſouerane and gracious Prince onder God, MAISTER DAUID STRATHAUCHIN,[4] huemly menys, quhair I ame alluterly hereit[5] and

[1] 'I^{m} li.' marked on the Warrant. [2] A coin of the value of 6s. 8d. English. [3] Trials, I, * 183. [4] See Apr. 26, 1536. [5] Ruined; literally, plundered, or 'harried.'

diſtroyit in my gudis, throcht my expenſis ſutfaſtly[1] making in Ward and lamit in my perſoune, be tormenting,[2] invollwyng my ſelf in det for furneſing of me and tuay ſeruandis; ſuay þat my wyf and x barnes ar hungerit and forfarne,[3] and hes tayne apoune credence,[4] becaus I had nay vþerwayis to furnes of my awyne, xxxv li.; quhairthrocht, and in my defalt of payment þairof, canne get nay mair, bot manne peryſe for wanting of lyvyſe fuyd,[5] wythout ȝour gracious hines put remeid heirto: Beſeking, in maiſt lamentabill maner, ſen ſuay is, þat of ȝour greit meir mercy (ȝou) wald ſuffir me to paſs hayme, ondir ſic ſouerteis as pleiſis ȝour hienes to tak, þat I may cauſe onder ſovmes of money till enter and onderly ȝour lawis, for ony manner of crymes; or þanne, becauſe of my greit neceſſité and pouerté, þat ȝour nobilnes wald put me wyth ony honeſt perſone þat may furnes my expenſes for my ſeruice, onder ſyclyk ſouerteis, onder ſowmes þat I ſall nocht remvf, bot byde and onderly all chargis þat may be imput to me, as knawis God, quhome to I comitt my haile cauſe, and to ȝour maiſt gratiouſe nobilnes to dispone as ȝe think cauſe; quhome for, ſall my daly deuocione and prayer be for proſperité bayth of ſaule and body.—[Indorsed.] Apud Striuling, *xxvj^to Aprilis anno Domini I^m V^c xxxviij.* The Kingis grace Ordanis the Capitaine and Keparis of þe Caſtell of Edinbro^t, to put Maister Dauid Stradaquhine, now being in the ſaid Caſtell, to liberté and fredome, ſwa þat he may paſs to þe burght of Dundé, thare to remaine in Warde, induring his grace will; ſuerte being firſt funding to þe Juſtice Clerk, and actitate in þe bukis of Adiurnale, that he ſal nocht breik his Ward of þe ſaid burght, vnder the paine of ane thowſand pundis; the ſaid Capitaine taking ane tikat[6] ſubſcriuit with the Juſtice Clark and the ſouerteis funding;[7] and the Juſtice Clark keping this charge for his and the ſaid Capitane Warrand. James R.

Convocation — Wounding — Stouthreif — Oppression.

Oct. 2.—Richard Lauder and twelve others denounced rebels, &c. for not underlying the law for art and part of Convocation of the lieges, to the number of 100 perſons, armed in warlike manner: And for art and part of beſetting the way to Andrew Cunynghame, ſone of Sir William Cunynghame knt. Maſter of Glencarne: And for cruelly Wounding and Hurting him: And for Stouthreif from him of his ſword, 'quhingar,' belt, and purſe, and certain money therein: And alſo, for art and part of his Majeſty's authority in taking and detaining James Cunynghame, ſervant to the ſaid Andrew, and putting him in the Stocks for twenty-four hours in ſubjection and captivity, he being a free man; thereby uſurping the King's authority, &c.

[1] Truly, really. [2] He was put to *the torture*, repeatedly, to extort Confession. [3] Famished, like to perish. [4] Credit. [5] Necessary food or sustenance. [6] Ticket, bond. [7] The cautioners found. These were Alexander Strathauchin of Brigtoune, and Henry Ramsay of Lawis.

Convocation — Spuilzie of Teind-sheaves — Wounding, &c.

Nov. 7.—George Lord Hume,[1] Stephen Howat, and five others, found caution to underly the law at the next Juſtice-aire of Berwick, for Convocation of the lieges to the number of *ſixty* perſons, armed in warlike manner, upon Sep. 10 laſt, coming upon Thomas Lowry and Robert Lummiſdene, and other tenants of Stichell, whilſt leading the Teind ſheaves of the Abbay of Coldinghame, belonging to them by reaſon of their Leaſe, and 'Spuilzie' of the ſaid ſheaves; and for Hurting and Wounding the ſaid perſons.

Resetting Border Thieves and Rebels — Breaking 'the Band.'

Nov. 7.—Walter Ker of Cesfurd, James Douglas of Caveris, George Ruthirfurd of Hundolé, John R. of Hunthill, and Andrew Ker of Dolphingſtoune, Convicted of art and part of the favor and aſſiſtance afforded to Robert Ruthirfurd, George R. called *Cokburne*, and John R. called *Jok of the grene*, and their accomplices, Rebels and at the horn; permitting them to paſs within their bounds continually, for divers years paſt: For not uſing their utmoſt diligence to hinder them from committing ſundry Slaughters, Stouthreifs, Thefts and Oppreſſions upon the King's poor lieges; nor ejecting the ſaid Rebels, their wives and children, from their bounds and bailliaries, but knowingly ſuffering them to paſs within their limits, and to remain therein beyond the ſpace of twelve hours, to commit ſundry crimes during the time of their paſſing and reſet within the ſhire wherein they dwell: And for not concurring with their friends, men, tenants, ſervants and adherents, againſt the ſaid Rebels, and purſuing and apprehending them, that they might be delivered up to the laws, and put to death: Nor keeping the ſaid Rebels furth of the ſaid limits; thereby breaking, tranſgreſſing and violating their Obligation and 'Band' to the King, and incurring the pains contained in the ſaid 'Band.'

Usurping the King's authority — Setting a Murderer free.

Nov. 8.—Alexander Forbes of Brux, and Alexander Forbes of Tolleiſe, found ſurety to underly the law at the next Juſtice-aire of Aberdeen, for art and part of Uſurping the King's authority, in taking and detaining John Makanedoy, after the Slaughter of Chriſtian Bowmane Lady of Bruxis, for the ſpace of four days 'red-hand' after commiſſion of ſaid Slaughter: And for diſpoſing of his goods, which belonged as an eſcheat to the King: And for putting the ſaid John to liberty.

[1] The Earl and twenty others came in the King's will for Hamesucken and Convocation of the lieges to the number of 200 men, taking the Teind-sheaves furth of the barn-yard of James Kirkcaldy of Grange, his Majesty's treasurer, and factor for the Abbacy of Coldinghame, carrying off and destroying seventeen chalders of corn and Teind-bear (barley.)—The Lairds of Coldenknowis, Aytoune, and Cranstoune, became surety for them.

Treasonable Intercommuning with the Earl of Angus.

Dec. 16.—Angus Dinglay came in the King's will for art and part of the treasonable assistance, supply, and Intercommuning with Archibald formerly Earl of Angus, his brother, and their accomplices, Rebels and traitors, being at the horn; going with the said Rebels, and Intercommuning with them in Berwick: And for revealing and declaring to them the secrets of the kingdom of Scotland; the King being then in France.

Commencement of the Reformation of Religion in Scotland — Heresy — Using Heretical Books, &c.

[The Criminal Records do not afford us the extent of information which might have been expected upon the important subject of the Reformation of Religion in Scotland; but from them, and from the Register of the Privy Seal, &c., very interesting notices are to be met with. The reader will find that the Editor has amply availed himself of both of these sources. Referring generally to the well-known and valuable Historical works of *the Reverend Dr M'Crie*, *Keith's* and *Calderwood's* Church Histories, *Knox's* History of the Reformation, &c., for narratives of the persecutions against the early Reformers, the Editor shall merely annex a variety of contemporaneous and early authorities, for the purpose of exhibiting interesting reports of individual cases, in so far as they are illustrative of those proceedings which appear in other parts of this Collection. The labours of *Dr M'Crie*, *Dr Cook*, and others, who have entered into a full discussion of this remarkable portion of the history of our country, have long since met with the unqualified approbation of all who have turned their attention to the study of Church History, whether considered as a separate science, or as intimately connected with the political aspect of these eventful times.

It may be advantageous to prefix to the earliest notice which occurs in the Books of Adjournal, such Papers as have been selected by the Editor for the illustration of this subject; referring the reader more generally to the other materials which follow in the course of this work. This method may perhaps be more practically useful than inserting them among miscellaneous documents in a general Appendix.

Many readers may feel gratified by the following particulars, connected with some of the Narratives which are given in this work.

In 'Observations upon a Household Book of King James V,' by Henry Ellis, Esq.,[1] published in a recent volume of the Archaeologia, he remarks, 'The presence of the King himself at Edinburgh,[2] at an *auto-da-fé*,' is likewise noticed on the first of March, 1539, '*Accusatio hæreticorum*

[1] *Archaeologia*, xxii. 7. [2] He returned to Linlithgow on the night of the 2d March. *Ibid.*

et eorum combuſtio, apud Edinburgh REGE *preſente.*' He further informs us, that this happened ' when KELLER and BEVEREGE, two Dominican friars, *Sir Duncan Simson of Stirling*, a priest, *Robert Forrester*, a gentleman of that town, and *Thomas Forest*, Canon regular of St Colms on the Forth, and Vicar of Dolar, in Perthshire, suffered upon the Castle-hill. A short contemporary comment upon this event, occurs in an Original Letter from *the Duke of Norfolk* to *Lord Cromwell*, preserved in the British Museum, dated Berwick, Mar. 29, 1539. Complaining of the bigotry of KING JAMES V, his Grace says, ' Dayly commeth unto me ſome gentlemen and ſome Clerks, wiche do flee out of Scotland, as they faid, for redyng of Scriptures in Inglithe, faing, that if they were taken, they ſholde be put to execution. I give them gentle words; and to ſome money. Here is now in this town, (Berwick,) and hath be a good feafon, ſhe that was wife to the late *Capitayne of Donbar*,[1] and dar not retorne for holding our waies, as ſhe faithe. She was in Englonde and fawe QUEENE JANE. She was *Sir Patrick Hamilton's* daughter, and her brother wes brent in Scotlande iij or iiij years paſt.'

The other numerous instances of persecutions, for ' HERETICAL OPINIONS,' as they were then termed, though interesting in themselves, are already fully detailed by the authors before named, to whose works reference may be made.]

I. NARRATIVE *of the proceedings againſt David Straiton, of the Houſe of Lawrieſtoune, Mr Norman Gourlay, and others,*[2] *Aug.* 27, 1534.

IN the month of Auguſt (1534) THE BISHOPS, having gotten fitt opportunitie, renewed their battell againeſt Jeſus Chriſt. DAVID STRATILON, a Gentelman of the Houſe of Lawreſtoune, and MR NORMAN GOWRLAY, was brought to judgement in the Abby of Halyrudhouſe.[3] THE KING him ſelf, all cloathed with reid,[4] being preſent, grait pains war taken upon *David Stratoun* to move him to recant and burn his Bill;[5] bot he, ever[6] ſtanding to his defence, was in end adjudged to the fire. He aſked grace at THE KING.[7] THE BISHOPS anſwred proudlie, that ' the King's hands war bound, and that he had no grace to give to ſuch as were by law condemned.' So was he, with *Mr Norman*, after dinner, upon the 27 day of Auguſt, led to a place beſide *the Rude of Greenſide*, between Leth and Edinbrug, to the intent that the inhabitants of Fife, feeing the fire, might be ſtriken with terrour and feare.

David Straitoun at the firſt hated the Preeſts onlie for their pride and avarice. *The Biſhop of Murray* exacted of him the tenth fiſh. His anſuer to his ſervents[8] was—' If they would have that which his ſervents had gotten, it war reaſſoun they ſhould come and reive it quhair they gott the ſtock.' And, as was conſtantlie affirmed, he canſed his ſervents caſt the tenth fiſh in the ſea againe. Proceſs of Curſing was laid againſt him; which, quhen he contemned, he was ſummoned to anſwer for Hereſie. He had bein befor verie ſtuborne, and deſpiſed all reading, ſpeciallie of good purpoſſes; now, he delighted in nothing bot reading, allbeit he could not read him ſelf, and exorted everie man to peace and concord, and to the contempt of the world. He frequented much the companie of *John Arſkine, Laird of Dun*,[9] a man marvlouſlie enlightned, in reſpect of theſe times. When *the Laird of Lawer-*

[1] See Extract from *Cald. MS.*, Aug. 1534. Dame Katharine Hamilton. [2] *Calderwood's* Church History, MS. Adv. Library. See also *M'Crie's* Reformation, I, 353. *Pitscottie*, p. 150. *Knox*, p. 21. *Spotswood*, p. 66. [3] Their accuser was James Hay, Bishop of Ross, Commissioner of Cardinal Beaton. [4] The usual Judicial dress in Criminal cases, which is still red. See *Foxe's Book of Martyrs*, Fol. Lond. 1596, p. 896. [5] The form of recanting. See the close of this article, p * 211. [6] Constantly. [7] *Pitscottie* thus relates this proceeding: ' They condemned *David Stratoun* because he would not abjure and burne his faggot, quhilk they war verrie earnest to have done; and THE KING himself procured (pleaded) for his lyff, quhilk the Bischopis grantit, if he would burne his faggatt, quhilk the said *David* o nawayes wold doe. Quhairfoir *the Vicar* (Dean Forret, see articles II, III, and IV,) and he war both brunt. I know no caus quhy, bot that this *David* wold not pay his teindis thankfullie to his Persone. And also *Mr Normand Galloway* (*Gourlay*) was brunt, becaus he was in the East-land and cam home and married ane wayff, contrair the forme of THE POPE's institutioun, becaus he wes ane Preist, to quhom it was not permitted to marrie; bot if he had had ane thousand whores he had nevir beine quarrelled!' [8] *Foxe* attributes this act to Mr Robert Lawsone, Vicar of Eglisgrig. [9] Afterwards Superintendent of Fife.

ſtoune, being then a young man, was reading to him upon the New Teſtament, he chanced to read this ſentence of our maſter, 'he that denieth me befor men, I will denie him in the preſance of my ffather and befor his Angels;' at quhich words, as one revived, he fudentlie caſt himſelf upon his kneis, and extended his hands, and looking conſtantlie with his viſſage toward pe Heaven a reaſonable time, he burſt furth at lenth in theſe words,—'O Lord, I have bein wickied, and juſtlie may thow abſtract thy grace from me; bot Lord, for thy mercies ſake, lett me never denie thee nor thy truth, for feare of death or bodilie pain!' The iſſue declared that his prayer was not powered out in vaine.

Mr Normand was a man of reaſonable eruditioun and knowledge, although it was joyned with weacknefs. He had ſaid thair was no Purgatorie, and that THE POPE was not a Biſhop, but an Anti-Chriſt, and that he had no juriſdictioun in Scotland. *James Hay, Biſhop of Roſſe*, ſatt in judgement, as Commiſſioner to *James Beattone, (Arch)Biſhop of Sanct Andrews*, as Mr Fox relateth.

To that diet was ſummoned others alſo, of whom ſome compeared in the Abbay Kirk of Halirudhouſe, abjured and publicklie burnt the Bills. Others compeared not, bot fled out of the countrie. *Adame Dayes*, or *Dales*, a ſhipwright, that dwelt on the North ſide of the bridge of Leith, was one of the number. *Henrie Carnes*, ſkipper in Leith, fled out of the countrie to the Eaſtern Seas. *John Stewart*, indweller in Leith, died in exile. *Mr William Johnſtoune*, Advocat, fled out of the countrie; returned in the time of GOVERNOUR HAMMILTOUNE: *Reid, Biſhop of Orknay*, bought his houſes (being confiſcat) with a ſmall ſoume; ſo that it was thought great favour that he gott the uſe of ane chalmber; bot after his death he gott no buriall, nather in Church nor Church-yard. *Mr Hendrie Henderſone*, Schooll-maſter of the Grammer Schoole of Edinbrugh, was after ſummoned; and in the end, for non compeareing, was condemned as *contumax* and Heretick. He died in England. *Sir William Kirkie*, Preeſt, whither he compeared and abjured or fled, we can find no certaintie.

Mr Fox[1] referreth to this time *Sir James Hammiltoune* of Linthgow, Shiriff, and his ſiſter, *Katharine*.[2] James Hammiltoune was accuſed as one that maintained the oppinioun of *Mr Patrik*, his brother, to whom THE KING gave counſell to depairt and not to compeare; for in caſe he compeared, he could not help him, becauſe THE BISHOPS had perſwaded him the cauſe of Hereſie did nowayes apertaine to him.[3] And ſo *James* fled, was condemned as ane Heritick, his goods and lands confiſcat and diſpoſed wnto others. His ſiſter *Katharine* appeared; and being accuſed of Hereſie, to witt, 'that her owne works could not ſave her,' ſhe granted; and after long reaſouning betwene her and *Mr John Spens* the lawyer,[4] ſhe concludit in this manner, 'Work heir, work there, quhat kinde of working is all this? I know perfectlie that no kinde of workes can ſave me, bot onlie the works of Chriſt, my Lord and Saviour!' THE KING, hearing theſe words, turned him about and laughed, and called her wnto him, and cauſed her to recant, becauſe ſhe was his aunt. And ſo ſhe eſcaped.

A woman of Leith was detected upon this occatioun. Quhan the Midewife, in time of her labour, bid her ſay, 'Our Ladie help me!' She cried 'Chriſte help me! Chriſte helpe me, in whoſe help I truſt!' She was alſo conſtrained to recant, and eſcaped without confiſcation of her goods, becauſe ſhe (was) married.

The publict CEREMONIE OF RECANTING in theſe times, was to beare a ffaggot of drie ſticks, and burne it publictlie; to ſignifie that they war deſtroying that quhich ſhould have beine the inſtrument of their death.

II. NARRATIVE *of the proceedings againſt Friar John Keillor, Dean Thomas Forret, Friar John Beverage, Duncan Simſon, and Robert Forreſter.*[5]

IN February, the year 1539, or, as others account, the beginning of the year, the 25 of March, 1538, JOHN KILLOR, Blak Frier, DEAN THOMAS FORRET, Vicar of Dolor and Channon Regular, JOHN

[1] *Foxe*'s Martyrs, p. 895. [2] 'The spouse of the Captaine of Dunbar.'—*Foxe*. [3] That it did not fall under his prerogative. [4] Mr John Spens of Condy, afterwards King's Advocate. [5] *Calderwood's* Church Hist. MS. Advocates' Library.

Beverage, Blak Frier, and Duncan Simpson, a Preift at Stirline, a Gentleman, called Robert Forrester, in Stirline, war fummoned be the Cardinall (Beaton) and the Bifhop of Dumblain. At the day of their appearance, they were condemned to the death, without any place for recantation; becaufe, as was alledged, they were Herefiarchs or Chief Hereticks, and teachers of Herefie; and efpecially, becaufe many of them were at the briddell aud mariage of a Preift who was Vicar of Tillibodie,[1] befide Stirline, and did eat flefh in Lent at the briddell.[2] They were cruelly Murdered wpon the Caftle hill of Edinburgh, the laft of February.[3] That crueltie was ufed be the Cardinal, the Chancelour, the Bifhop of Glafgow, and the inceftuous Bifhop of Dumblain.

Friar Killor fet forth the Hiftory of Chrift's paffion in form of a Commedie,[4] quhich was acted at Stirline in the King's prefence, upon Good Fryday, in the morning; in the quhich all thingis were fo livly expreffed, that the very fimple people underftood and confeffed that as the Preifts and obftinate Pharifies perfwaded the people to refufe Chrift Jefus, and caufit Pilate to condemn him, fo did the Bifhops and men, called Religious, blind the people, and perfuaded Princes and Judges to perfecute fuch as profefs Chrift Jefus his bleffed Gofpell. This plain fpeaking fo inflamed them thairefter, that they thirfted ever for his blood.

The Vicar of Dolor faid to his fervant, *Andrew Kirkie*, that 'he never heard a more heavenly fpeech all his lifetime, than out of the mouth of a Frier Killor, quhen he was imprifoned in the Caftle of Edinburgh;' but *Andrew* could not remember the words. *Buchanan* fayeth that 5 were burnt at that time, 9 recaunted, and many fled out of the country, of the quhich number he him felff was one. The names of the recaunters we have not fet doune in our Hiftory; only be report we hear of *Walter Coufland*, merchant in Stirline, and *James Watfon*, merchant, who burnt their faggots;[5] but as for *the Vicar of Dolor*, burnt at this time, we will fet doun a fuller Hiftorie of his life and death than hath been yet extant.

Dean Thomas Forret, Vicar of Dolor, preached every Sunday to his parochiners the Epiftle or Gofpell, as it fell for the time; quhich then was a great novelty in Scotland to fee any man preach, except a Black Frier or a Gray Frier; therfor the Friers invyed him, and accufed him to *the Bifhop of Dunkell*, in whofe dioceis he remained, as ane Heretick, and one that fhewed the myfteries of the Scriptures to the vulgar people in Englifh, to make the Clergie deteftable in the fight of the people. *The Bifhop*, moved by the Friers' inftigation, called the faid *Dean Thomas*, and faid to him, 'My joy,[6] *Dean Thomas*, I love you weill, and therfor I moft give yow my counfell how yow fhall rule and guid your felf.' To quhom *Thomas* faid, 'I thank your lordfhip heartily.' Then *the Bifhop* begau his counfell on this maner: 'My joy, *Dean Thomas*, I am informed that ye preach the Epiftle or Gofpell every Sunday to your parocheners, and that yow take not the cow[7] or upmoft cloath from your parocheners, quhich is very prejudiciall to the Churchmen; and therfor, my joy, *Thomas*, I would (you took) your cow and upmoft cloath as other Churchmen doeth; or els, it is to much to preach every Sunday, for in fo doing ye may make the people think that we fhould preach likewayes! But it is enough for you quhen ye find any good Epiftle or any good Gofpell, that fetteth forth the libertie of the Holy Church, to preach that and let the reft be!' *Thomas* anfwered, 'My lord, I think that none of my parochoners will complain that I take not the cow nor the uppermoft cloath, but will gladly give me the fame, together with any other thing they have; and I will give and communicate with them any thing that I have; and fo, my lord, we agree right weel, and there's no difcord among us. And quhere your lordfhip fayeth, it is to much to preach every Sunday, indeed I think it is to litle, and alfo would wifh that your lordfhip did the like!'—'Nay, nay, *Dean Thomas*,' faid my lord,

[1] Thomas Coklaw. [2] See *Foxe*, p. 1154. [3] *Foxe* adds, 'Where they that were first bound to the stake godly and marueilously did comfort them that came behinde.' [4] One of the Mysteries or Moralities, which were so popular, among the Clergy as well as the people, during the Holidays. [5] Recanted. [6] My joe, a familiar expression in use among very intimate friends. See this dialogue in *Foxe*, p. 1153. [7] 'The mortuarie and the chrisome.' See Note at the end of the next article, p. * 214.

'let that be, for we are not ordained to preach.' Then faid *Thomas*, 'Quhere your lordfhip biddeth me preach quhen I find any good Epiftle or a good Gofpell, truly, my lord, I have read the New Teftament and the Old, and all the Epiftles and Gofpells, and among them I could never find an evill Epiftle or an evill Gofpell; but if your lordfhip will fhew me the good Epiftle and the good Gofpell, and the evill Epiftle and the evill Gofpell, then I fhall preach the good, and omitt the evill!' Then fpake my lord ftoutly, and faid, 'I thank God, that I never knew quhat the Old and New Teftament was! Therfor, *Dean Thomas*, I will know no thing but my Portuife[1] and my Pontificall!' Of thefe words arofe a proverb, quhich is common in Scotland, 'Ye are like *the Bifhop of Dunkellden*, that knew neither the New nor the Olde lawe!'—'Go your way,' faid my lord, 'and let be all thefe phantafies; for if ye perfever in thefe erronious opinions, ye will repent quhen ye may not mend it!' *Thomas* faid, 'I truft my caufe be juft in the prefence of God, and therfor I pafs not much quhat do follow therupon!' So my lord and he departed at that time. But foon after a fummond was directed, as we have heard.

III. Memoir *of Dean Thomas Forrett, Vicar of Dollar.*

Thomas Forrett, *Vicar of Dolor*, was a Gentleman of the Houfe of *the Laird of Forrets*, in Fife. His father was Mafter Stabler to King James IV. After he had got fome beginning in the Rudiments, he went to Culen[2] and learned his gramer, (and) be the help of a rich lady was fuftained ther at fchools. After he returned he was made a Channon in Sanct Colme's Inche, and was a fervant Papift. Ther fell out a debate betwixt the Abbot and *Channons* about their portion due to them for their maintainance. They got the Books of the foundation that they might underftand the better of quhat allowance was due to them every day. *The Abbot* took the book from them, and gave them a Volume of *Auguftine's* to read and ftudy in ftead of it. 'O happie and bleffed was that book,' faid he many a time after, quhairby he came to the knouledge of the truth. He converted the younger Channons; but 'the old bottells,' he faid, 'would not receave the new wine!' Therafter he was made *Vicar of Dolor*. He taught his flock the ten Commandments, and fhewed them the way of their falvation to be only by the blood of Jefus Chrift. He penned a litle Catehife,[3] quhich he canfed a poor child anfwer him, quhen any faithfull brother came to him, to allure the hearts of the hearers to embrace the truth; quhich indeed converted manie in the countrie about. He rofe at fix in the morning, and ftudied till twelve; and after dinner till fupper, in Summer. In Winter he burnt candle till bed-time. When he vifited aney fick perfon in the Paroch that was poor, he would carie bread and cheefe in his gown-fleeve to the fick perfon, and give him filver out of his purfe, and feed his foul with the bread of life. He was very diligent in reading the Epiftle to the Romans, in the Latin tongue, that he might be able to difpute againft the adverfaries. He would get three chapters perquire[4] in one day, and at even gave the booke to his fervant *Andrew Kirk* to mark quhair he went wrong in the rehearfing; and then he held up his hands to Heaven, and thanked God that he was not idle that day.

He was diverfe times fummoned before *the Bifhops of Sanct Andrews* and *Dunkell* to give account of his doctrine; but he gave fuch reafons and anfwers that he efcaped, till that cruel *Cardinall David Beton* got the upper hand.

Quhen he was brought to the place of Execution *Frier Harbukell*[5] biddeth him follow him. 'Say, I beleave in God,' fayeth the Frier. 'I beleive in God,' fayeth he. 'And in our Lady,' fayeth the Frier. 'I beleive as our Ladie beleaveth,' faid he. 'Say,' faid the Frier, 'I beleive in God and in our Lady.'—'Ceafe,' faid he, 'tempt me not! I know quhat I fhould fay as well as ye, thankis be to God!' So he left him, and tempted the reft after the like maner. In the mean time, while he was faying to the people, 'I never miniftered the Sacrament but I faid, as the bread entereth into your

[1] Mass-Book or Breviary. [2] Cologne. [3] Catechism. [4] Off the book, *par coeur*. [5] Arbuckle.

mouth, fo fhall Chrift dwell by livly faith into your hearts!'—'Away! away!' faid one ftanding befide, with his jack[1] on him, 'we will have no preaching here!' Another taketh the New Teftament out of his bofome, and holdeth it up before the people, and crieth, 'Herefie! Herefie!' Then the people cried, 'Burne him! Burne him!' He cried with a loud voice, firft in Latine, then in Englifh, 'God be mercifull to me a finner!' After that, firft in Latine, then in Englifh, 'Lord Jefus, receave my fpirit!' After that, as his manner was to end with fome Pfalms, in his prayer, he began at the 51 Pfalm, in Latine, '*Miferere mei, Deus, fecundum magnam tuam mifericordiam*,' &c. and fo continued till they pulled the ftool from under his feet, and fo wirried[2] him; and after burnt him.

This information *Mr John Davifon* receaved from his fervant *Andrew Kirkie*, by a Letter, quhich he tranflated in Latine in his Catalogue of the Scotifh Martyrs. He addeth farder, that quhen the PARDONERS would come to his Kirk, to offer pardon for money, he would fay, 'Parochoners, I am bound to fpeak the truth unto yow! That is but to deceave yow. There is no pardone for our fins that can come to us either from *Pope* or any other, but only be the blood of Chrift.

Quhen *the Abbot of Sanct Colme's Inche* would fay to him, 'Will ye fay as they fay, and keep your mind to your felf, and fave your felf?'—'I thank your lordfhip,' faid *the Vicar*, 'ye are a freand to my body, but not to my foul! Befor I deny a word that I have fpoken, ye fhall see this body of mine blow away firft with the wind, in afhes!'

When on of the number was wirried and burnt before him, he faid, when it was told him, 'Yea, he was ane wylly fellow, he knew there were many hungry folks coming after him, and he went befor to caufe make readie the fupper!' Thus ended this faithfull fervant of God, invyed be the Clergie for his good life, diligent preaching of the word, and fparing the cow and uppermoft cloath, that is the mortuarie and the chrifome.[3]

IV. DEANE THOMAS FORRET,[4] *Vicare of Dollour, brunt in Edinburghe.*[5]

A lytle before this tyme one Deane Thomas Forret, Channon Regulare and Viccar of Dollour, by fyde Striveling, a verie vprycht man and one of good lyfe and converfation, efter a moneth or two of imprifonment, was brought furth and accufed afore the Prelatis and Churchmen in Edenbrughe for fum poyntes of Herefies, (as they thocht in thofe dayes,) whereof the heads were read and proponed by *Mr Johne Lawder*, the accufer, as followes. *The Accufer.* Fals Heretick! Thow fayes it is not

[1] The *jack*, Fr. *jaque*, was a kind of short coat of mail. [2] Strangled him, at the stake. [3] In order that the reader may be fully aware of this shocking exaction of the Roman Catholic Priests, as then practised in the case of THE CORPSE-PRESENT, the Editor cannot do better than give *Dr M'Crie's* lucid explanation. 'The beds of the dying were besieged, and their last moments disturbed, by avaricious Priests, who laboured to extort bequests to themselves or the Church. Not satisfied with exacting tithes from the living, a demand was made upon the dead. No sooner had a poor husbandman breathed his last than the rapacious Vicar visited the family.'—'The *corpse-present* was demanded by the Vicar, and seems to have been distinct from the ordinary dues exacted for the interment of the body and deliverance of the soul from Purgatory. This perquisite consisted in country parishes of *the best cow* which belonged to the deceased, and *the uppermost cloth* or covering of his bed, or the finest of his body-clothes. The "corp-presant kow" answers to "the hereyeld horse," which was paid to the landlord (superior) on the death of his tenant.'—*Life of John Knox*, 1, 23, 349.

'And als the Vicar, as I trow, He will not faill to tak ane kow
And upmaist claith, thocht babis them ban, From ane purie selie husbandman;
Quhen that he lyis for til dé, Having small bairnis twa or thré,
And hes thre ky withouten mo, The Vicar must have ane of tho,
With the gray cloke that happis the bed, Howbeit that he be purelye cled:
And gif the wyfe dé on the morne, Thocht all the babis suld be forlorne,
The uther kow he clickis away, With hir pure cote of roploch gray:
And gif within twa dayis or thré, The eldest chyld hapnis to dé,
Of the third kow he will be sure. Quhen he hes all then under his cure,
And father and mother baith ar deid, Beg mon the babis, without remeid.'
Chalmers's Sir D. Lyndsay's Works. iii, 105.

[4] After this was prepared, the Editor observes that *Pitscottie* has the same interesting account of *Dean Forret's* Trial, almost in the same words, p. 353, &c. [5] *Anderson's History of Scotland*, MS. Adv. Library.

lefum to Kirkmen to tak þair Teyndes, and offringes, and corfe prefentis,[1] thocht we hawe bein in vfe of them conftitute be þe Kirk and King, and allfo our Holy Father þe Pape hes confermed þe fame? *Deane Thomas Forct.* Brother, I faid not fo; but I faid it was not lefum to Kirkmen to fpend þe patrimonie of þe Kirk as they doe, as on whoores, ryotous feafting, and on faire wemen, and at playing at cairdis and at dyce; and nather þe Kirk weill menteaned, nor þe people inftructed in God's Word, nether þe Sacrements dewlie miniftred vnto them, as Chryft commanded.—*The Accufer.* Dar thow deny þat whilk is oppinlie knowen in the countrey! That thow gave againe to thy parochinaris þe cow and þe vpmaft cloathes,[2] faying, thow haid no rycht to them?—*Deane Thomas.* I gave them againe to them þat haid more[3] need of them then I.—*The Accufer.* Thow fals Heretick! Thow learned all thy parochiners to fay þe Pater nofter, þe Creed, and þe ten Commandements in Englifch, which is contrare to all acts[4] þat thay fould know which we fay.—*Deane Thomas.* Brother, my people are fo roode and ignorant[5] they vnderftand no Latine, fo þat my confcience moved me to pitie there ignorance, whilk provoaked me learne them þe wordis of there falvation in Englifch; that is, the Ten Commandements, whilk are þe law of God, whereby they mycht obferve þe fame. I teached them the Beleeff, whereby they mycht know there faith in God, and Jefus Chryft his fone, and (of)[6] his death and refurrection (for thame). Mairover I teatched (and learned thame) the Lords owen prayer[7] in þe mother tongue, to þe effect þat they fould know to whome they fould pray, and in whofe name they fould pray, and what they fould afk and defyre in prayer, whilk I beleefe to be þe paterne of all prayer.—*The Accufer* faid, Why did thow that? By our actis and ordinances of our Holy Father þe Pape?—*Deane Thomas* anfwered, I follow the acts of our Maifter and Saviour Jefus Chryft, and of þe Apoftle Paule, who fayeth in his doctrine to þe Corinthians,[8] that he haid rather fpeak fyve words to þe vnderftanding and edefeing of his people, then ten thowfand in a ftrainge tongue whilk they underftand not.—*The Accufer* faid, Where finds thow that?—*Deane Thomas* anfwered, in my book heir in my fleife.

Then þe *Accufer* ftart with a bend[9] to þe Vicare, and pulled þe book out of his hand (fleive), holding (it) vp to þe people, saying with a lowd voyce, behold, Sirs, he hes the booke (of Herefie) in his fleiffe, þat makis all þe din and play in our Kirk! Brother, faid þe *Vicare*, God forgive yow! Ye could fay better, if ye pleafed, nor[10] to call the book of þe Evangell of Jefus Chryft the booke of Herefie! I affure yow, deare brother, þat thair is nothing in this buke but þe lyfe, Latter Will and Teftament of our Maifter and Saviour Jefus Chryft, penned by þe four Evangelifts, for our wholfum inftruction and confort.—*Accufer.* Knowes thow not, Heretick, þat it is contrare to our acts and expreffe commands, to have a New Teftament or Byble in Englifche, (quhilk is eneugh to burne thé for)? Then the counfall of the Clargie gave fentence on him to be Brunt, for the vfeing of the fame buik, the New Teftament in Inglis.

For thefe, and þe lyke fentences, was he taken to þe Caftell Hill in Edenburgh and moft vnmercifullie BRUNT.

V. Narrative *of the Proceedings againft Hieronymus (Jerome) Ruffel and Ninian Kennedy.*

After that this crueltie was ufed in Edinburgh upon the Caftle hill, the reft of *the Bifhops* behoved to fhew them felves no lefs fervent to fupprefs the light than did *the Cardinall.* Ther wer two apprehended in the diocie of Glafgow, Hieronymus Russell, a Gray Frier, a young man of a meek nature, quick fprit, and good underftanding, and one (Ninian) Kenedie, quho had not paft the eighteenth year of his age; a man of good witt, and excelling in Scotifh Poefie.[11] *Mr John Lauder,*

[1] See Note to the preceding article. [2] See the above-mentioned Note. [3] 'More mister nor I had.' *Pitscottie.* [4] *Pitscottie's* reading is better, 'oure actis, that thay sould knaw what they say.' [5] 'Barbarous,' *Pits.* [6] This word and the following are in *Pitscottie's* version. [7] 'The Dominicall Oratioune.' *Pits.* [8] I Cor. chap. xiv. v. 19. [9] Bound, spring. [10] Than. [11] *Knox*, p. 22, says he was 'of excellent ingyne for Scottische Poetry.' See also *Spotswood*, 67. *Keith*, 9.

Mr Andrew Oliphant, and *Frier Mertman*, were fent to affift *the Bifhop of Glafgow*, at leaft to ftir him up to dip his hands in the blood of God's fervants. N. KENEDIE, at the firft, was faint, and wuld gladly have recaunted; but quhen fpace was denyed to him, the Spirit of all comfort began to work on him, the inward comfort began to burft forth, als weel in vifage as in tongue and word; for his countenance began to be cheerfull, and with a joyful heart and loud voice he uttered thir words upon his knees. 'O Eternall God, how wonderfull is thy love and mercie quhich thow beareth unto mankind, and unto me the moft miferable wretch and cative[1] above all others; for even now, quhen I would have denyed thee and thy Son, our Lord Jefus Chrift, and fo have caft my felf into everlafting damnation, thow, by thy own hand, hath pulled me out from the very bottom of Hell, and made me to feel that heavenly comfort, quhich taketh from me that ungodly fear quhairwith before I was oppreffed. Now I defire death: Do quhat yow pleafe: I praife my God I am readie!'

Thefe Godles tyrrants, the fervants of Satan, railed upon godly and learned HIERONYMUS. He anfwered, 'this is your hour and pour[2] of Darknefs! Now fit ye as Judges, and we ftand wrongfully accufed, and more wrongfully to be condemned; but the day fhall come quhen our innocence fhall appear, and ye fhall fee your own blindnefs to your everlafting confufion. Go forward and fill the meafure of your iniquitie!

While the fervants of God thus behaved themfelves, a variance arifeth betwixt *the Bifhop* and the beafts quhich came from *the Cardinall*. *The Bifhop* faid, 'I thiok it better to fpare thefe men than to put them to death.' The dotting[3] Doctors faid, 'Quhat will ye do, my lord? Will ye condemn all that my Lord *Cardinall*, other *Bifhops*, and we have done? If fo, ye do fhew your felf enemie to the Church and ws, and fo we will repute you, be ye affured!' The faithlefs man, affrayed, adjudged the innocents to die, according to the defire of the wicked.

The meek and gentle JEROME RUSSELL comforted the other with many comfortable fentences; oft faying unto him, 'Brother, fear not! More mightie is he that is in ws, than he that is in the world! The pain quhich we fhall fuffer is fhort, and fhall be light; but our joy and confolation fhall never have an end; therfor let us ftrive to enter in by that fame ftrait way quhairby our mafter and Saviour hath entered in before ws. Death cannot deftroy ws, for it is deftroyed allready by him for quhofe fake we fuffer! With thefe, and the like comfortable fentences, they paffed to the place of Execution, and triumphed over death and Satan.

Thus did thefe cruell beafts intend nothing but Murder throughout all the quarters of this realme, fo far had that blinded and vitious man, THE PRINCE—moft vitious, I fay, for he nether fpared man, wife, nor maid, after his marriage, more than he did befor; and had given himfelf to obey the cruell appetite of thefe bloody beafts—that he had made a folem vow, that none fhould be fpared that was fufpected of Herefie, though he wer his own fon!

Using Books suspected to be Heretical.

Jan. 10, 1538-9.—ROBERT FORESTARE, brother to Thomas F. of Arngibboune,[4] William F., fon to John F., burgefs of Stirling,[5] Walter Cofland,[6] David Grahame,[7] and James Watfoune,[8] found furety (Alex. F. of Killemuke, the Laird of Arngibboune, and Robert, his heir apparent, John Cragyngelt of that Ilk, John F. and Arch. Spittell, burgeffes of Stirling,) to underly the law 'for breking of his hienes Proclamationes, in haifing and vfing of fic BUKES as ar fufpect of HERESY, and ar defendit (prohibited) be THE KIRK.'

[1] Caitiff. [2] Power. [3] Doating. [4] Caution, 1000 merks. See the Notice prefixed to these Narratives. That which refers to Robert Forester is on p. * 210. Reference may also be made to *Dr M'Crie's* works, &c. [5] 500 merks. [6] 500 merks. [7] 300 merks. [8] 300 merks.

Messengers-at-arms deprived for ignorance, &c.

[The oppressions and irregularities committed by Notaries and Messengers-at-Arms, during the reign of King James V, were frequently visited with the most exemplary punishment, and in most of these cases, they were accompanied by deprivation of office. Frequent instances of this have already been given in this Collection, but the Editor cannot refrain from introducing in this place, a piteous 'Supplication,'[1] by one of them, to the Lords of Privy Council, as an example of the lamentable straits to which some of these unlucky functionaries must have been reduced, pending the necessary enquiries into their conduct.—'My Lordis of Counsale, vnto ȝour lordſchipis huimlie menis and ſchewis I ȝour ſeruitour, Patrik Duncansone,[2] notar publict, That quhare ȝour l. ordanit me to produce befor ȝou my prothogoll buke,[3] quhilk I did; and ſenſyne,[4] at ȝour command, I haue remanit in þis toun, and hes fallin in hevy infirmitie, and my expenſis fail ȝeit; and, as I traiſt, my gudis at hame waſted and ſperpalit,[5] throu my abſence, becauſe I departit ſa ſchortlie to þir pairtis, and left nane to ouerluke þe famin: And albeit I haue happynnit reklefly to vary in þe dait of my Inſtrument, þe effect þairof is of verité; and (I) neuir committit ſic negligence of befor, bot (am) repute and haldin in all þe cuntré quhare I duell, ane trew and autentice[6] manne. Quharefor I beſeke ȝour l. that, for þe conſideratioun foirſaidis, ȝe will deliuer me my ſaid Prothogoll, and licent me to paſs hame, ſen my expenſis is fail ȝeit, and my ſelf ſeiklie and evill diſpoſit. And ȝour anſuer huimlie I beſeke.—[Indorsed.] Apud Edinburgh, *tercio Decembris, anno Im. IVc. xxxvij.* The Lordis Ordanis þis complenare to compere befor þe Juſtice Clerk or his deputis and fynd ſouertie, þat he ſall compere befor our ſouerane lordis Juſtice or his deputis, and vndirly þe law for all ſic crymes as ſalbe imput to him, þe thrid day of þe nixt Juſtice-aire of þe ſchire, or ſouner, vpoune xv dais warnyng, vndir þe pane of ane hundrethe pundis; and þe ſouertie beand fundin,[7] þe Lordis ar contenttit þat he depairt hame as he pleiſe.']

Feb. 26, 1538-9.—John Gairley and fifteen other Meſſingers-at-Arms Convicted of common Oppreſſion of the lieges, in the falſe and unjuſt exerciſe of their office—fruſtrating them in their juſt actions, through their ignorance.

Thomas Thomsoune and ſixtene others were likewiſe deprived of their offices for the ſame cauſe.

Heresy—Keeping and Using Prohibited Books.

Feb. 28.—Martyne Balkesky[8] found caution to appear and underly the law on Mar. 7 next, 'for breking our ſouerane lordis Proclamatioune, in vſing and haiſing of ſic bukis as ar defendit (*prohibited*) be þe ſaid Proclamatioun, vndir þe paue of ane thouſand pundis.'—Mar. 7. He came in the King's will, and found Sir John Campbell of Calder, kn^t^, Arch^d^ Williamſoune, burgeſs of Edinburgh, and Robert Hoppringell, burgeſs of Peebles, as his cautioners, under the 'pane of ij^m^ li., that he ſall abide and fulfill ye Kingis grace pleſour and will.'

[1] From the Original preserved among the Warrants of Court. [2] Or Robertson. [3] *Protocol*—an official Register, into which each Notary was bound to insert an exact copy of each Instrument drawn up by him. Any vitiation of this book (which bore faith in judgment) was deservedly punished with severity; indeed, the offence was considered as an act of Perjury. [4] Since that time. [5] Dilapidated, scattered. O. Fr. *Esparpillée.* Lat. *Spargere.* [6] *Tenty;* careful. [7] Walter Ogilvie of Boyne became cautioner for him. [8] See Remission, &c. in Appendix to this reign.

SUPPLICATION *of Martyne Balkesky to the Lords of Privy Council.*[1]

MY LORDIS of Counſale, vnto ȝour l. huimlie menis and ſchewis I, ȝour ſeruitour, MARTYNE BALKESKY, burges of Edinburgh, That quhare I wes laitlie put in ſtrait Ward within þe Caſtell of Edinburghe, for quhat falt or cauſe I knaw nocht; bot allanerlie,[2] becauſe I refuiſit to deliuer my MATYNEBUKE to þe *Officiall of Lowthiane*, at his firſt command; howbeit, in þat inſtant tyme, but[3] ony delay, I offerit þe ſamin to him: Quhareupon I menit[4] me to þE KINGIS grace, and his hienes referrit þe ſaid mater to *my Lord Coadjutour of Sanctandrois*, and declarit his mynd þairintill to him, to be determinit be ȝour l., conforme to juſtice. HEREFOR, I beſeke ȝour l. to haue conſideratioune (of) me; and ſen I wes never reput ane gret treſpaſſour, that ȝe will ordand me to be lattin to fredome; and þaireftir, I ſall find ſufficient cautioune and ſouerté, in preſence of ȝour l., to enter befor quhatſumeuir JUGE, ſpirituale or temporall, at ony terme or diet, ſic as ȝe pleiſe to ſet and anſuer, for ony maner of falt þat may be impute to me, anent þe denying of my buke to þe ſaid Officiall. And ȝour anſuer huimlie I beſeke.—[Indorſed.] APUD EDINBURGHE, *xvj Decembris, anno I^m.V^c. xxxviij.* THE LORDIS Ordanis þis complenare te fynd ſufficient cautioune to þE JUSTICE CLERK, þat he ſall compeire befor our ſouerane lordis Juſtice or his deputis, quhen and quhare he ſalbe chargit, to vndirlie þe law for breking of þe Kingis grace Proclamatioune, anent þame vſand bukis diſchargit be þe ſaid Proclamatioune, vndir þe pane of I^m. ti. And þe ſaid ſecuritie and cautioune beand fundin, THE LORDIS Ordanis him to be relaxt furth of Ward, and put to fredome.

Slaughter.

Mar. 17.—FERGUS MAKDOWELL of Freuche produced a Reſpite from the King for art and part of the cruel Slaughter of John Makculloche, in Mochrame, of forethought felony.—Gilbert, Earl of Caſſillis, became ſurety to ſatisfy the parties.

Oppression — Hamesuckin — Cattle-stealing — Stouthreif, &c.

ALEXANDER MAKCULLOCHE of Cardernes, John M^ccuffe, William Makſkalye, Gilbert M^cculloche, and . . . . . Gilchriſt, came in the King's Will for art and part of the forethought felony and Oppreſſion done to Archibald Carnis and Henry his ſon, coming upon them with great Convocation of the lieges, armed in Warlike manner, within the Sanctuary of the Pariſh Church of Anvethe, and cruelly Hurting and Wounding the ſaid Henry, to the effuſion of his blood; committed upon Jan. 12 laſt. *Item*, for art and part of the Stouthreif and abſtraction from Gilbert Regall, furth of his ſet of the lands of Drummuklok and barn thereof, 100 bolls of horſe-corn, and 20 bolls of oats; committed within the laſt three years paſt.—Delivered in WARD to the Captain of Ed^r. Caſtle.

The ſaid Alexander alſo became in will for Stouthreif from James Makane of ſixty ſheep, five cows, and one mare, furth of Ardwell: *Item*, from Thomas Makmore of a black horſe and a mare, furth of Kirkmabrek: *Item*, from Sir Adam Snerles, Chaplain, of ſeven head of cattle, furth of Camray: *Item*, for forethought

[1] This Supplication had previously been presented, and deliverance passed thereon, on Dec. 16, 1538. Reference may also be had to the Notice and Papers relative to the rigorous proceedings adopted against the early Reformers, I, * 209, &c. [2] Alone, only. [3] Without. [4] Complained.

felony, Oppreſſion, and Hameſuckin, done to John Makculloche, on his lands of Auchinlare: *Item*, for Stouthreif from him of eight oxen and a cow, from various of his lands: *Item*, from Gilbert Ker, of a horſe: *Item*, for Oppreſſion of the ſaid John Makculloche, deſtroying a plough, and Wounding his ſervants, &c. &c. *And* for common Oppreſſion of the lieges.—James Kennedy of Blarequhan, and William M'clellane, Tutor of Bundby (Bomby), became ſureties for his ſatisfying the parties, according to law.

Willfull Error on Assise.

Alexander Stewart of Garuleſe (Garlies), John Murray of Brochtoun, the Lairds of Garthland, Miretoun, Murdoch, Blairquhan, Roſſie-Bonar, the Tutor of Bondby, and others of leſs note, found caution to underly the law at the next Juſtice-aire of the ſhires where they reſided, for Manifeſt and Voluntary Error on Aſſiſe, declaring *Alexander M'Culloche of Carderneſs* and his accomplices innocent and acquitted of art and part of the Mutilation of Henry Carnis, of forethought felony: *And* for declaring *Fergus M'dowell of French* and his accomplices innocent and acquitted of the Murder of Andrew Schankis, and ſundry other crimes of Oppreſſion.

Stouthreif and Housebreaking, in time of Plague, in Perth, &c.

Apr. 21, 1539.—Gilbert Blair, brother of Alexander Blair, burgeſs of Perth, Conſtantine Ferguſſoune, Sir John Luivell, chaplain, Sir Henry Eldare, and Sir William Dauidſoun, found caution to underly the law at the next Juſtice-aire of Perth, for forethought felony and Hameſuckin done to the Keepers of the Gates of Perth, in time of the plague, coming upon them under ſilence of night, on Oct. 24 laſt, ſtriking and Hurting them in peril of their lives: *And* for breaking into and plundering ſeveral houſes and chambers, by way of Theft and Stouthreif.

Slaughter.

May 22.—William Jameſoun, called *Wantoun Will*, Convicted of art and part of the Slaughter of John Forbes, coming upon him at Preſtoun-pannys, and flaying him with a ſtone.—Beheaded.

Slaughter of the Laird of Turnberry.

[The following Case affords an illustration of the expediency of having the whole of the Warrants and loose papers belonging to the High Court of Justiciary carefully examined, arranged, and bound up for future consultation. The great mass of such documents entirely precludes the possibility of the Editor, or any other private individual, consulting them. They have, apparently, for more than a century, been put into bundles, without the smallest reference to date or subject; and it would certainly require many months to reduce them to order. It seems obvious, that among these Papers many documents must exist, highly illustrative of the Criminal proceedings which took place for a great

period of time, and might even throw light upon many obscure points connected with the History of Scotland. A number of ROYAL LETTERS and WARRANTS, bearing the sign-manual of King James V, have already been found, which, it may be remarked, are seldom engrossed in the Record; for, doubtless, the Clerks of Justiciary could, at the time they were granted, easily refer to them when required. In the present instance, the original scroll of the 'Dittay,' the 'Supplication,' and King's Letter had been left in the Volume, and they have accidentally survived the changes and chances of nearly three centuries. They are given here as a specimen of the information which we might have expected in every Trial, had these Records been always valued as they now are.

In many Cases of the greatest importance we may still expect considerable light to be reflected from these documents, when properly arranged.]

May 23.—JAMES REID Convicted of art and part of the cruel Slaughter of John Reid of Trumberry, coming upon him and flaying him of forethought felony.—BEHEADED.[1]

DITTAY.—JAMES REID, ȝE ar indict aud accusit for art and pairt of þe felloune and cruell SLAUCHTER of vmq^le John Reid of Trumberry, cumand vpone him in his avin landis of Darndougall, in company with ȝour fader Johne Reid, and ȝour complices, to þe nowmer of ix personis, one þe xxiiij day of Aprile last bipast; and cruellie flew þe said vmq^le Johne, apoun auld feid and forthocht fellony, and be way of Hamesuckine: þat ȝe comitit þe said Slauchtir vpon prouisioune and foirthocht fellony, ȝe being at þe Wappin-schawing in Are, quhen all ȝour nychtbouris left þair jakkis behind þaim, ȝe said ȝe wald nocht leif ȝour jak behind ȝou, for ȝe wald haue ado with ȝour jak and wappinnis at hame: þat ȝe comitit þe said recent Slauchter vpoun auld feid and foirthocht fellony, ȝe þe said James and ȝour saidis complices, at Whitsunday last bipast, sett vpone þe said vmq^le Johne, at þe Leyn-heid of þe Schaw, for his slauchter; and quhen he eschaipit fra ȝou, and quhen þair was ane concord and way dewisit to be had betuix ȝou, ȝe said 'þair suld be may[2] betuix ȝou, quhill[3] aue of ȝour skynnis wes cutit.' ITEM, one þe Sounday before þe committing of þe said Slachter, ȝour fader cumand fra þe Kirk of Machlyne said to Johne Vdart, þat he could get na way dressit betuix him and þe said vmq^le Johne, for þe heicht of his sonnis: And þairefter ȝe and ȝour said complices lay continewlie on þe Moss of Darndougall, awaitand þe said Johne for his slauchter, fra þe Monunday quhill Furisday,[4] þat ȝe slew him: And on þe day befoir, ȝe slew his serwandis doggis þat skeyit[5] ȝou quhare ȝe lay: And quhen ȝe saw him cumand, ȝe, þe said James, and ȝour bruþer, ranne befoir ȝour fader and slew him; and ȝe war hurt and woundit in þe meyntyme, and had fled with þe remanent, war nocht ȝe war hurt, and passit to ane bauk,[6] and was fundin be James Logane, Sheref-depute of Are.

[1] This is the entire entry in the Record. [2] For *mair*, more. [3] Until. [4] From Monday to Thursday. [5] *Descried*, detected. [6] *Balk*, which generally denotes a reserved ridge, or stripe of grass between tilled lands, such as are very common to this day in many parts of England, where each alternate ridge is left in pasture.

Letter *by King James V. to the Justice, &c.*

Rex,

Justice, Thesaurer, and Justice Clerk, Ve greit 3ow weill. Forsaymekill as it is hwmely menit to vs be our louit James Raid in Helar, that quhair þair ves ane Slauchter committit in his defens, and because our Scheref of Air-principale is frend to þe manne þat is slayne, he hes send hymme to be justefeit by 3ow, and hes summond an Assise of þe contré quhair þe allegit cryme ves committit, bot tendis[1] to tak certane priuat particular persones þat var takkaris and conwoyaris of hymme to 3ow to be on his Assise, and so to put hymme to deid, he beyng innocent, be ane suspect Assise. Our Vill is heirfor, and ve charg 3ow, gif it be as is befoir reherſit, þat 3e superseid for xx or xxx dayis, quhill[2] ane insuispectt Assise may be gottin; and keip hymme in firmans; or put himme vnder grit souerteis in þe meyne tyme. And þis 3e saill nocht to dow, kepand þis for 3our warrand. Subscriuit with our hand, at Sanct Androis, þe xij day of Maii, and of our regnne þe xxvj 3eir. James R.

Supplication *by James Reid to the Justice, &c.*

My Lord Justice, Justice Clerk, and 3oure Deputis, vnto 3oure l. huimlie menis[3] and schewis I 3our seruitour *James Reid*, sone to Williame Reid in Clare: That quhare, laitlie, I wes gangand vpoune my said saderis maling[4] of Clare, perteining to my Lord of Melros, liand in þe lordschip of Kilismure, within þe scherefdome of Air, vesyand[5] þe samen, and my said saderis gudis[6] gangand þairon, traisting na troubell of ony personis, bot to have levit vnder Goddis peax and þe Kingis: Neuirtheles, Johnne Reid in Cogertoune, his wife, sonnis, and complices, to þe nowmer of ten personis, bodin in feir of weir, come iij mylis fra þair avne houssis, vponne auld feid and forthoct felony, and be way of Hamesukkin invaidit and persewit me and my said sader and his seruandis for his slauchter, and chaceit him and his catale and ws of[7] his said maling: And in þe chaceing of ws þa hurt me in my bak: And quhenne we turnit agane to defend ws, þe said Johnne, in his awin defalt, and oure pure defence, happynnit to get ane straik, my vnwitting; throw þe quhilk he is deid, and my inemeis and vnfrendis of verray malice allegeis þat I haue þe wyte[8] þairof, quhilk is nocht of verité, hes callit me þairfore before your l. to put me to cummyr[9] and troubill, without ony lauchfull or ressonabill caus. Heirfore I beseke your l., for Goddis sake, of remeid:[10] And sen[11] I am ane poner child,[12] innocent of þe said crime, and hes na manne to do for me, bot God and 3our l., and knawis nocht þe personis þatt suld be vpoune my Assise, that 3e avise wele quhame[13] 3e put þaironne; and caus þame, be þair grete aithis, declare gif þai be kin frendis or allia to my party or his frendis, and hes gevin þame partial counsale in my contrare; and do me justice, and cause ane man of Law speik for me, as 3e will haue thank reward and mereit of God, and of 3our awin saulis þairfore. And 3our ansuer huimlie I beseke.[14]

Conboying and Supplying of Friar William Kelour.[15]

Rex,

Justice Clerk, 3e sall deliuer þe *tua menne of Abirdene*, 3e ane callit Jame Andersoune, and þe vder Johne Mwdy, furthe of our Ward,[16] quhilkis war put in þe samyne, for convoying and suppleing of Freir Williame Kelour; þe saidis personis syndand 3ow sufficient cautioune till entir

[1] Intends, means. [2] Until. [3] Complains. [4] 'Mailling,' a small farm held on payment of certain *mails* or rent. [5] Inspecting. [6] Live stock. [7] Off. [8] Blame. [9] Difficulties. E. *Cumber*. [10] For remedy or redress. [11] Since. [12] A '*puir Cheild*,' a poor lad or fellow. [13] Whom. [14] There is no indorsation or 'deliverance' on this Petition—but from the fatal words 'Conuict.,' 'Decollat.,' being twice entered in the body of the Record and on the margin, there seems no doubt of his having been Beheaded. [15] Orig. among Warrants of Court. See Papers as to proceedings against suspected Heretics, Jan. 1538-9. [16] A similar Warrant was granted by the King on March 25 preceding.

agane, ony tyme þai be reqnirit, betuix þis and All Hallowmeſs nixt command, onne fyſtene dayis warnyng, be ȝou, or þair Ordinar;[1] vndir ſic ſowmes as ȝe think expedient; Prouiding, þat þe ſaid John Mndy paſs nocht benorth[2] þe watter of Tay, vndir ſouerteis ſiclyk. Subſcriuit AT SANCTANDROIS, þe feird[3] day of Junij, and of our regne þe xxvj ȝeir. JAMES R.

Oppression — Imprisonment of the Commissary of Caithness.

Jun. 6.—WILLIAM SUTHIRLAND of Duffois[4] Convicted of art and part of the taking of Sir Alexander Gray, Commiſſary of Caithneſs, leading him to the Place of Querrelwod, pertaining to the ſaid William, and keeping him in ward and captivity from the vigil of Chriſtmas to Saint John's day following, he being the King's free man; thereby uſurping the King's authority. ITEM, of art and part of forcibly carrying back the ſaid Commiſſary againſt his will from the ſaid Place of Querrelwod to the burgh of Elgin, and delivering him to the Dean of Caithneſs, (Sir Alexander Sutherland); alſo thereby Uſurping the King's authority.—ALEXANDER SUTHIRLAND and ſix others were Convicted of laying violent hands on the ſaid Commiſſary, in the outer bedchamber of the Dean of Caithneſs, committed on Dec. 20 laſt: AND for violently taking the ſaid Commiſſary furth of his lodgeing in the houſe of Archibald Stronoche, in the burgh of Elgin, undir ſilence of night, he being in his naked bed; and leading him to the ſaid Dean's chamber, and detaining him in captivity therein till the vigil of Chriſtmas, &c. *Item*, of art of carrying him back by force from Querrelwod to the burgh of Elgin, &c. WARDED in the Caſtle of Edinburgh.

SIR ALEXANDER SUTHERLAND, Dean of Caithneſs, and four other Churchmen, were replegiated by Patrick Biſhop of Murray.—Mr JOHN SUTHERLAND and James Vrquhard of Alderne found ſurety to vnderly the law for the above crimes, at the next Juſtice-aire of Elgin.

Using a false and forged Instrument.

Jun. 13.—THOMAS CHARTERIS of Kinfawnys Convicted of art and part of uſing a fforged and ffalſe Inſtrument, made by his conſent and counſel, being an acquittance or diſcharge of a certain large ſum of money aſſigned by THE KING to James Roſs his ſervant, due to his Majeſty by the deceaſe of Alexander Biſhop of Murray, as his heir; or granted to THE KING by the privilege of THE POPE.—WARDED in Edinburgh Caſtle, during the King's pleaſour; and all his moveables to be eſcheated.

[1] The before-mentioned previous Warrant contains this clause, 'and alſua to compeir beſoir þe *Biſchop of Abirdene* þair Ordinar, quhat tyme þai be reqnirit be him.' [2] To the northward of. [3] Fourth. [4] He found caution on Jun. 7, that he should remain in free Ward within the Castle of Edinburgh, 'and nocht eſchaip nor depairt furth of þe ſaid Caſtell, quhill he be freid be þe KINGIS grace, vnder þe pain of I[m]li.'

Supplication *to the Lords of Privy Council.*[1]

Jun. 14.—My Lordis of Counſale vnto ȝour l. huimlie menis and ſhewis I ȝour ſeruitour, *Thomas Charteris of Kynſawnes*, that quhair I am laitlie imput in þe Caſtell for ſobir[2] cauſis, as I vnderſtand, and haldin in to ane houſe; and þe Capitane, Conſtabill and Kepars of þe Caſtell will nocht ſuffer my ſeruandis to cum and repair to me, to þe effect þat þai may miniſter to me in meit and drynk and all vþer neceſſaris; howbeit, I am content to fynd cautioune þat I ſall nocht evaid furth of þe ſaid Caſtell, vndir ſic panis as ȝour l. thinkis expedient. Quhairfore, I beſeik ȝour l. of remeid, and þat ȝe will gif command to þe Capitane, Conſtabill, and Keparis of þe Caſtell, to put me to fré Ward within þe ſaid Caſtell, I fyndand cautioune þat I ſall nocht evaid furth of þe ſamyne vnder ſic panis as ȝour l. ſall think expedient, and to ſuffir my ſeruandis to cum and minſter to me like as vþeris fré Wardaris hes within þe ſaid Caſtell. And ȝour anſwer huimlie I beſeke.—(*Indorſed.*) Apud Edinburghe, xiiij^to^ Junii anno I^m^V^c^xxxix. *Fiat vt petitur*, Cautioune being fundin to þe Juſtice Clerk, vndir þe pane of I^m^li.

Suffering English Thieves and Captives to escape.

Jul. 21.—Alexander Hepburne of Quhitſum got a Remiſſion for permitting and ſuffering Clement and Robert Hall, brothers, and Thomas Pot, Engliſhmen, to depart furth of his place of Richartoun, they having been delivered in cuſtody to him as captives and Thieves.—William Cokburne of Choſlie and Stephen Bukles came in the King's will for ſuffering Anthony Pot, Engliſhman, in like manner to eſcape.

Breaking into the Tower of Ernside — Stouthreif, &c.

Jul. 24.—William Cuming, Margaret Dowglaſs, and four others, were denounced Rebels, and put to the horn, for art and part of Convocation of the lieges in great number, armed in warlike manner, coming to the place and Tower of Ernſide, and breaking up the doors and gates thereof, and entering therein: And for Stouthreif from Alexander Cuming, ſon and heir apparent, and the curator of Thomas Cuming of Ernſide, his father, of all the goods and utenſils in the ſaid houſe: And for detention from him of the ſaid Place and Tower: And for Stouthreif from him furth of the meſſuage thereof, of one hundred and fifty-ſix bolls of corn, with the ſtraw, eight oxen, and two horſes: And for Common Oppreſſion, &c.

Laird of Macfarlan and Walter Macfarlan of Ardleische.

Jul. 27.—Duncane Macfarlane of that Ilk, procured ſurety to the amount of 1000 li. in terms of the King's permiſſion, contained in the following Warrant.[3] The cautioners were Sir Johne Campbell of Lundy, kn^t^, Sir

[1] From the Orig. among the Warrants of Court. The purpose of printing this Paper, is to show, practically, the manner in which what was termed 'free Ward' was obtained, for the accomodation and comfort of prisoners, whose offences were not very heinous; and who had influence enough to find high security, that they would not attempt to escape, if this indulgence should be granted to them. [2] Trivial, trifling. [3] From Orig. among the Papers of the Court.

Johne C. of Calder, kn^t, Johne C. of Glenvrquhar, Colyne C. of Ardkynglas, James C. of Lawaris, Archibald C. of Glenlionne, and Arthure C. of Ardgarthnay.

REX,

TRAIST couſing and counſalour, We grete ȝou hertlie weill. Forſamekill as we wrait to ȝow of before to reſſaue DUNCANE MAKFARLANE of þat Ilk, to keip him furely in ward, quhil ȝe had vþer command of ws in þe contrare, Now, it is our wil and mynd þat he be in fré ward with ȝow as ȝe think expedient, he findand ſouirté to our Juſtice-Clerk, vndir þe pane of ane Thouſand li. nocht to brek ward; quhilk gif he dois, it ſalbe impute na falt nor cryme to ȝow. GEVIN vndir oure Signet and ſubſcriuit with oure hande, At Falkland, þe xxv day of July, and of our regnne þe xxvj ȝeire.

JAMES R.

(*Addressed*) To our traiſt couſing and counſalour JAMES LORD OGILVY.

In a short time afterwards, as appears from another Royal Warrant which is still preserved among the Papers of the Court of Justiciary, a similar indulgence was granted to WALTER MACFARLAN OF ARDLEISH, of whom were descended the families of Gartartan and Ballaggan, &c.[1] He was son of Sir John Macfarlan of that Ilk, kn^t, by his second Marriage, with a daughter of Herbert, first Lord Herries, and uncle to Duncan M. of that Ilk. The Warrant runs thus:

REX,

JUSTICE-CLERK, We grete ȝou weill. In hope þat WALTER MACFARLANE, now being in ſure Ward within oure Caſtell of Edinburgh, ſall caus his frendis in þa partis do gude ſeruice to ws in it, committit to þame, We haue ordinit þe Capitane of oure ſaid Caſtell to let him to frè ward within þe ſamin, he findand ſouirté, firſt, to ȝou, vndir þe pane of Thré Thouſand pundis, þat he ſall nocht eſchew furth of our ſaid Ward: Quhilk ȝe ſaill nocht to tak of him; and þaireftir cauſe him be put to fré Ward as ſaid is. As ȝe will anſuer to ws þairupoune. Subſcriuit with oure hand and vndir oure Signet At SANCTANDROIS, ȝe vij day of Auguſt, and of oure regnne ȝe xxvj ȝere.

JAMES R.

Another Warrant was two months afterwards addressed to the Justice-Clerk, which, however, does not indicate the crime for which the parties were imprisoned. It is likely the offence was of a treasonable description; at all events, it was very serious in its consequences to the parties concerned.

REX,

Juſtice-Clerk, It is our will, and we charge ȝou þat ȝe reſſave ſouerté of DUNCANE M^cFARLANE vnder þe pane of ane Thouſand pundis, and ſielyke of WALTER M^cFARLANE vnder þe pane of Tua Thouſand pundis, þat þai ſall entir agane within ony Caſtell we pleiſe, vpoun xv dayis warning: And þat ȝe reſſaue iij or iiij perſounis, ilk ane for þair awin pairt, ſouirté for þe ſaid Walter; and þe ſaid ſouerté being fundin, þat ȝe cauſe þame (to be) fred furth of Ward, and late þaim paſs hame, to þe effect þat þai may do ws gud ſeruice in our nixt Juſtice-aire to be haldin in Dumbartane. And þis ȝe ſaill nocht to do; keipand þis our Precept for ȝour Warrand. Subſcriuit with our hand, and vndir our Signet, At Falkland, þe tent day of October inſtant, and of our regne þe xxvij ȝeir.

JAMES R.

(Oct. 13.)—Andro Lord Awendale, Henry Lord Methwene, and Sir Johne Hammiltoune of Fynnart, became ſureties for Walter M. of Ardleiſche,

[1] See *Douglas's* Baronage, p. 95.

for 3000 li. (Oct. 24.)—Sir Johne Campbell of Lundy, kn^t, became surety for Duncane M. of that Ilk, under the pain of 1000 li. in implement of the King's Precept.

Fire-raising — Burning the Town of Ardochbeg — Sorning.

Oct. 4.—John McRobert McFarlene,[1] Duncan Dow McKippoune, and Duncan McKillop, Convicted of art and part of Fire-raising and of Burning the Town of Ardochbeg, and for common Theft and 'Sornyng.'—Hanged.

Besieging the House of Summerdaill — Slaughter, &c.

Dec. 16.—John McEwin M^cgillebreid, Gillepatrick M^cferquhar, Tormat M^cdonald, Alexander M^cgilbetonne Makane of Rafa, and fifteen others, dilated for 'þe Assegeing of Alexander Makcloid of Dunvegane in his House of Summerdaill, in þe moneth of Maii last bipast, and Slauchter and Refe committit be þame þat samyn tyme vpone him and his tenentis; and vþeris grete crimes contenit in þe Letteris.'—Johne M^cloid of Myngenes, in the Isle of Skye, became surety for the again-bringing of the Letters duly executed and indorsed, on Mar. 6, 1539-40.

Books of Adjournal.

[The loss of the Books of Adjournal,[2] during an eventful period of nine years, embracing the close of the reign of King James V, and the commencement of that of Mary Queen of Scots, is singularly unfortunate, as many important public events are known to have taken place, and, during such stirring times, there would doubtless be numerous Trials. All the traces now remaining of the proceedings which took place before the High Court of Justiciary, must be gathered from the necessarily meagre notices which occur in the '*Liber Plegiationis f. d. n. Regis et Regine*,' wherein memoranda of the Bonds of Caution, or surety found by persons accused of crimes, were engrossed. As will be seen, the Editor has, as usual, availed himself of all the information which he could glean from these and other authentic sources; but, in all those instances, the authority is uniformly quoted. The narrow bounds into which the Editor must compress this information, demand that these notices shall be

[1] On Jan. 7, 1539-40, Robert M^cgilphatrik M^cferlane, '*in warda existen. infra Castrum de Dunbertane*,' found surety to underly the law for all crimes which might be laid to his charge at the next Justice-aire of Dumbartan. The nature of his crime is not alluded to. [2] It is very probable that there are two Volumes lost, perhaps only one. The series of Volumes, as indicated by the oldest markings, is very incomplete, and many of the Books which now remain are the scroll or jot-books, from which, with the assistance of the Dittays, &c. the Record was afterwards made up.

condensed as much as possible, leaving it to the enquiring reader to refer to the various original sources of information indicated in this work.]

Robert Master of Sempill.

Mar. 2, 1539-40.—THE quhilk day WILLIAME LORD SYMPILL, of his avne consent, fforsamekill as our souerane lord of his speciale grace and favouris hes grantit his Remissioune to ROBERT MAISTER OF SYMPILL, sone and apparand are to Williame Lord Sympill, now being furth of his realme, fugitiue fra his lawis, and at his horne for certane grete crymes, Prouiding þatt he sall na maner of way cum nor repare within þe realmes of FRANCE nor SCOTLAND, without he obtene his gracis Licence and beneuolence þairto: Tharefore, þe said Williame Lord Sympill is becumen, and, be þe tenour of þis present Act, becumis plege and souirté to oure souerane lord, and his Justice Clerk in his name, þat þe said Robert sall, fra þe tuenty of Marche instant, abstene fra cuming and resorting within þe saidis realmes of Scotland and France, and all þe boundis þairof, any maner of way, without speciale Licence of our said souerane lord, vndir þe pane of Five Thowsand pundis: And gif þe said Robert failȝeis ony maner of way herein, it salbe reput to him ane poynt of Tresoune, and sall incur þe panys þairof, and to be pvnist þairfor at our souerane lordis will.[1]

Caution for Douglas of Parkhead's son.

Mar. 11.—JAMES EARL OF MORTON, George Douglas of Pennyland, John Inglis of Langlandhill, and Mungo Inglis of Wintermure, became sureties for WILLIAM DOUGLAS, in terms of the following Warrant.

REX,

JUSTICE CLERK and ȝour deputis, it is our will, and we charge ȝow, þat incontinent eftir þe sicht hereof ȝe ressaue sufficient cautioune and souirté of WILLIAME DOWGLASE, sone naturale of *James Dowglase, sumtyme of Parkhede,* þat he sall remane with our cousing James Erle of Mortoune, and in his seruice, quhare he plesis, as in our Ward; and nocht to eschew þe samyne, vndir þe pane of V^c^li., and register þe samyne in þe Bukis of Adiornale. As ȝe will ansuer to ws þairupoune; kepand þis our writing for ȝour Warrand. SUBSCRIVIT, with our hand and vndir our Signete, at Edinburghe, þe xxvij day of Februare, and of our regne þe xxvij ȝere. [JAMES R.]

Caution for two Sons of Cumyng of Altyre.

Mar. 13.—ALEXANDER CUMING and James his brother, sons of Alex. C. of Alter (Altyre,) 'now being in Warde within þe Castell of Edinbur^t^,' found

[1] There is this marking subsequently inserted on the margin—'*Deletur de Mandato Domini Gubernatoris, per suam subscriptionem manualem et signetum.*'

ſurety that they 'ſall remane be-Northe þe Northe Watter of Eſk, in Warde, induring our ſouerane lordis will," under the pain of 1000 merks.

Caution for Robert, Christina, and Duncan Macfarlan.

May 10, 1540, (*apud Dunbertane.*)—Robert M'ferlane, 'in Ward within þe Caſtell of Dunbertane,' found George Striueling of Glorat, John Sympill, young Laird of Foulwod, and Donald Campbell of Ardintené, as ſureties for him (100 merks), that 'he ſall obſerue and keip gude reull in tyme cuming, and compere and vndirly þe law, eftir þe forme of our ſouerane lordis writing direct to þe Juſtice Clerk.'—Jun. 12, (*apud Edinburghe.*) William Maſter of Glencairne became ſurety (100l.) for Cristina M'ferlane; and alſo, on Jun. 30, (300 merks) for Duncan M'ferlane, to the ſame effect. They are both deſcribed as then being 'in Ward within þe Caſtell of Dunbertane.'

Forestalling and Regrating.

Aug. 6.—Peter Buntyne found caution to underly the law 'for þe Oppreſſioune done vpoune our ſouerane lordis liegis, awaytand be þe way vpone nolt, ſcheip, horſe, and catall þat ar cumand to faris and mercatis to be ſald þairin, and byand þe ſamin fra avnaris þairof; and þaireftir, bringand þame to þe ſamyn mercatis, forſtalland and regratand thame to our ſouerane lordis liegis, takand þairfor ane grete and exorbitant price, to þe vniuerſale ſkayth of þe cuntre.'—James Geddes became in will for 'bying of xiij ſcheip þe ſaid day cumand to þe Houſe of þe Mvre, and forſtalling of þe mercate.' He found ſurety that the ſheep 'ſalbe furthcumand to þe Kingis proffeit and behufe.'

High Treason—Treasonable Conspiracy with the Douglasses against the King's Life.

Aug. 16.—No traces appear in the Criminal Records of the Trial of Sir James Hammilton of Finnart, kn^t^. The event, however, is one so prominent in the History of the country, and Sir James was a person of such notoriety, that it seems proper to preserve some brief notice in this Collection. 'The Baſtard of Arran' was principal Steward to King James V, and had been very high in favour with his royal master. His character appears to have been eminently distinguished by personal valour, intrigue, and tyranny. Letters of *Legitimation* had been granted to him so far back as Jan. 20, 1512-13;[1] and through the influence of his father James, the *first* Earl of Arran, and the King's personal favour and friendship, he acquired very extensive Estates.

[1] Other Letters were afterwards granted to himself and to *Andrew* and *James*, his natural children by Mariot Stewart; and also to *Alexander*, another natural son, Nov. 2, 1539. Reference may be made to the Appendix for numerous circumstances illustrative of these events.

One of the greatest stains on his otherwise cruel and ambitious career, was the treacherous Murder of THE EARL OF LENNOX at the Field of Linlithgow, Sep. 4, 1526, after that distinguished Nobleman had surrendered himself prisoner.

Without entering on a sketch of any portion of his life, which more properly belongs to the Historian, the Editor merely refers to the following quotation. *Bishop Lesley*[1] also remarks, that, 'befoir his executione, he proteſtit before God, that he had not offendit THE KING: bot affirmit, that gif he had bene als guid a ſervant to GOD as he was to the King, he had not dyet ſo ſhamfully; and confeſſit that he deſervit that deith, becaus he offendit God oftymes for pleaſour of the King; and theirfore prayit every one to taik exempill of his doingis!'

He married *Margaret Levingstoun*, Lady of Easter Wemyss. He was executed as a Traitor at Edinburgh, August 16, 1540; and his immense estates were Forfeited, and bestowed upon numerous Courtiers. In 1543, his son James obtained a recall of the Forfeiture.

'ABOUT the ſame tyme JAMES HAMMILTOUN, SCHEREF OF [2]LINLITHGOW,[3] and cowſing german to SIR JAMES HAMMILTOUN (OF FINHART, baſtard brother to *the Earle of Arrane*,) com to Scotland, eftir long banifchment, quhill as he avowid to accuſe Baſtard James be law, purcheſſing Licence to com in the contrey for a certane ſpace; and vnderſtanding quhat dainger baith himſelf and thoſe that profeſt the pure doctrine of the pure Goſpell ſtude in, ſend his ſone to THE KING, being in jornay towardis Fyff, quho com to him befoir he boited[4] and frauchtit. The man, ſuſpitious of natour with baſchfull newis, affirmeing that it ſtude him to no les nor[5] his lyff, perrelous to the haill realme, wnles he preveined[6] the deid be puniſchment of the Tratour.

'THE KING, quho haiſtid to Fyff, ſend the ȝoung man back againe to the Excheker; quhair he commandit *James Leirmonth*, his Maiſter Houſhald, *James Kirkcaldie*, Grit Theſaurer, baith men of ſum Religioun, and *Thomas Erſkine*, ane earneſt Papeiſt, Secretar, to convene, willing thame to credeit that beirer as him ſelf; and thairwithall tuik ane knawin ring from his finger, and ſend to thame as ane previe taikin. Thay, conſulting vpone the mater, aprehendit *James Hammiltoun*, immediatlie efter his denner, and reddie to depairt hame to his awin hous, caryid him to the Caſtell, and impreſſonid him. Thay, wnderſtanding be thair exploratouris,[7] that THE KING was moveid, vpone ſute,[8] to releive him, beſydis the commoun dainger of the contrey, ffeiring thame ſeluis, gif ane factius puiſſant man, ignominiuſlie vſid, ſould eſcaip ſcot-frie, not ignorant how bitterlie and crewellie he wald reveng himſelf; repairing with all expeditioun to Court, agmenting all thingis alſe ſuſpitiouſlie as thay poſſibillie could, the preſent dainger, his miſchevous naturall,[9] his reddie wit, and grit ſubſtance, perſwadit THE KING not to releive a man baith craftie and bauld, and now provockid be ignomie, vntryid. Quhairwpoun, THE KING paſt firſt to Edr., from thence to Seytoun, commanding in the meintyme to preſent *Sir James Hammiltoun of Finhart* to judgment; quhilk, according to the cvſtome of the realme appointid, he was convict and Beheidit. Eftir his death (he was) quarterid, and his quarteris hung wp wpoun the publict pairtis of the Towne, in Awgwſt 1540.

[1] *Bannatyne Club* Edit. Quarto, p. 158. [2] *Buchanan*, Book XIV, cap. 57, gives a similar account of these transactions with this Narrative, which is taken from *Anderson's MS.* Adv. Library. See also *Keith's* Hist. p. 11, and *Pitscottie*, p. 385, &c. [3] See Papers prefixed to Notices relative to Reformation of Religion, Jan. 11, 1538-9, I, * 209, &c. The Sheriff was brother of Patrick Hammilton the Martyr, to whose execution 'the Bastard Arran' had been mainly accessory. [4] Boated, took ship to cross the Forth. [5] Than. [6] Prevented. [7] Spies, emissaries. [8] Suit; influence used. [9] Dispositions, genius, bent.

The crymes laid aganis him war, that he wpon a day determinid to brek vp THE KINGIS Chalmer to flay him; (and) that he had previe conferencis with THE DOWGLASSIS, declaird enemyes of the realme. His death, becaus of his former wickid lyff, was lamentid of verrie fewe, except of his awin freindis and the Preiftis, who had fixt the hoip of the furetie of thair haif eftait in him.

Eftir this tyme, THE KING beganne to fufpect the Nobilitie. Solicitude pinchis his troublid mind; quhilk wnfettillid, was trublid in the nicht be vifiounes; quhairof ane is repoirtit of, verrie notabill. He thocht he faw Sir James Hammiltoun of Finhairt com vpone him with a naikid fword, and firft cutid his right airme, and nixt his left from him; and eftir he had threatned, eftir fchort fpace, alfo to tak his lyf, he evanifchid. As he awakid in ane feir, and reuolued vpone the event of the dream, fchort fpace eftir, he was adverteized that baith his fones war deceifid, the ane at Sanctandrois, the wther at Striueling, on ane day, and almoft in ane hour.

Slaughter of a Friar.

Dec. 14.—FRIAR WILLIAM ROTHUENE found Robert Robertfone of Strowane furety for his underlying the law at the next Juftice-aire of Perth, for art and part of the cruel flaughter of Friar Alexander Sloune.

Caution for Sir Walter Scott of Branxhelme, knight.

Mar. 11, 1540-1.—WILLIAM EARL OF GLENCAIRN, John Hume of Coldaneknollis, George Meldrum of Fivy, James Twedy of Drummelzeare, Mark Ker of Littilldeane, Andrew Ker of Dolphingtoun, George Ker in Fawdounfyde, James Ker of Merfingtoun, Ninian Creichtoun of Bellyboucht, Adam Johneftoune of Corry, and John Carmichaell of Medowflatt, became Cautioneris for THE LAIRD OF BRANXHELME, 'now being in Warde within þe Caftell of Edinburghe, þat he fall remane in Warde within þe burghe of þe famyne, and nocht to depairt þairfra, without he obtene Licence of our fouerane lord, vndir þe pane of xx^{m}. merkis.'

(Aug. 8, 1541.)—Caution was again found, that he, 'within viij dayis nixt eftir he be chargit, pafs and remain in þe pairtis of MURRAY, and vtheris be-Northe þe Watter of Spey, as in our fouerane lordis Warde, induring his will; and nocht to efchaip furth of þe famyne,' under the pain of 20,000 merks. —(On the margin)—'*Deletur de Mandato domine noftre* REGINE, *per fuam fubfcriptionem, domini* GUBERNATORIS, *et Signetum dicte Regine.*'

Caution for Johnstoun of that Ilk.

Mar. 13.—JOHNE JOHNESTOUNE OF THAT ILK found caution that 'he fall remane in Warde within þe Tovne of Dunbertane, and þat he fall nocht evaid nor efchew þairfra, ay and quhill he get oure fouerane lordis difcharge in þe contrare, vndir þe pane of x^{m}. merkis.'[1]

[1] His cautioners were William Lord Creichtoune of Sanchare; the Lairds of Littledene, Coldaneknollis, Mersingtoun, Dolphingstoun, and Fawdounside, David Scot, son and apparent heir of Sir Walter Scot of Branxhelme, kn^{t}; William Kirkpatrick of Kirkmichael; William M^{c}clellane of Nwntoune, Tutour of Bondby; Alex. M^{c}culloch of Carderness; Adame Johnestoune of Corry; John Hammiltoune, called '*John of Cliddifdale;*' John Haitlie of Mellostanes; and Colin Campbell of Ardkinglass.

(May 3, 1541, *apud Jedburghe.*)—He again found caution that 'he ſall vſe and repare ane myle about þe Tovne of Dunbertane, as in our ſouerane lordis warde,' under the pane of 10,000 l. Among others of the new cautioners were William Stewart of Trakware, John Mow of that Ilk, Walter Ker of Cesfurde, Robert Scot of Howpaflot, and Gilbert Ker of Grenehede.—(Nov. 24 and Dec. 4.)—THE KING'S Warrant was granted for again allowing him free Ward within the ſame limits, under the pain of 10,000 merks.

Caution to pass furth of the realm.

Mar. 13.—'PATRIK CULQUHOUN, now being in Warde within þe Caſtell of Edinburghe,' found Thomas Stewart of Gawſtoune cautioner or ſurety for him, 'þat he ſall paſs furth of þis realme within þe ſpace of xxx dais, and remane furth of þe ſamyn at þe pleſour of þE KINGIS grace, vndir þe pane of V^c^. merkis.'

Caution for the Laird of Blackadder.

May 5 and 6, 1541, (*apud Jedburghe.*)—JOHN HUME of Blacader found ſurety that 'he ſall remane within þe Tovne of Dunbertane, fredom þairof, and ane myle about the ſamyn, and nocht to extend þe boundis þairof, quhill our ſouerane lord gif vthir command in þe contrare,' under the pain of 20,000 l.—His ſureties were ſimilar to the preceding, with the addition of William Cokburn of that Ilk, John Hoppringill of Smallcraig, George H. of Torwodlee, Robert H. of Blyndlee, Adam Johneſtoune of Corry, George Neſbett, baroune of Dalȝell; John Lummiſdene, young Laird of Blenerne; Andrew Haliburtoune, young Laird of Mertoune, and Thomas Ker of ȝare.

Caution for the Young Laird of Tuliduvy.

Jun. 28, 1542.—JOHN STRIUELING, ſon and apparent heir of John S. of Tuliduvy, 'now being in Warde within þe Caſtell of Edinburghe,' found Dauid Kincaid of the Cottis, Conſtable of the Caſtle of Edinburgh, &c., ſureties that 'he ſall obſerue and keip his Warde within þe burghe of Edinbur^c^, and nocht eſchew furth of þe ſamyn, quhill[1] he be fred be our ſouerane lord, vndir þe pane of ij^c^ merkis.'

Oppression—'Colping,' Forestalling and Regrating of Markets.

Jul. 7.—JOHN CLERK, in Drumcorſe, and a number of other perſons in the ſhires of Linlithgow and Lanark, found caution to underly the law for 'Colping,[2] Foreſtalling, and Regrating' and for common Oppreſſion of the lieges in buying and ſelling oxen, cows, and ſheep.

[1] Until. [2] '*Courping*' is a phrase still in use to denote bargaining, bartering, or exchanging one commodity for another, or for money. A 'horse-cowper' is a term universally employed in Scotland for one who deals in horses.

APPENDIX,

ILLUSTRATIVE OF THE TRIALS WHICH OCCURRED DURING THE REIGN OF KING JAMES V.

I. Illustrations selected from the Register of the Privy Seal of Scotland.

Referring to the observations which are prefixed to the Appendix to the preceding Reign, the Editor has merely to Remark, in this place, that in order to save the necessity of numerous repetitions and copious Notes, he has thought it preferable to refer the reader, generally, to the Trials, &c., most of which will be found to be more or less illustrated by the following extracts. The General Index, to be inserted at the conclusion of this work, must ultimately render such references entirely unnecessary.

Aug. 23, 1515.—Ane Respit,[1] maid be avise of þe Governour,[2] **to Donald of the Ilis of Lochalch, knyt.**, and with him vther thre scoir of personis, his kynnismen, freindis, or servandis, for all maner of actionis and crimes bigane, to cum and repare to Ed^R, or ony vþer place within þe realme, to commoune with þe said Gouernour, and do þair eirrandis, and returne agane; for þe space of lx dayis next to cum eftir þe dait hereof.

Sep. 6.—A Respit maid to Lauchlane Makclane of Doward, and Alexander *alias Alister* Makcloid of Dunvegane, and all and sindry þair servandis, landit men, gentilmen, and ȝemen, þat assistit and tuke part wyth þaim, for þair tresonable art, part, assistence, and supplé gevin in þe tresonable **Segeing and taking of þe Kingis Castellis** and Houses of **Carnebog** and **Duuskaith**, and tresonable withbhaldin of þaim aganes his autority and command; for þair tresonable mantenance, assistence, consale, favouris, and suplé gevin be þaim to **Donald Ilis of Lochalche, knyt.**, and his complicis, in þare tresonable crimes, &c. Vnto þe first day of Januare nixt to cum eftir þe date hereof to indure.

Sept. 23.—A Respit to Matho Maknacht of Dungenche, for arte and parte of þe **Slauchtir** of vmq^le **Johne of Dunbar of Mochrum**, committit and done be (Schir) Alexander Gordoune of Kenmure, Kny^t, with quham þe said Matho was in cumpany: To endure for a ȝere.

Sept. 25.—Respit to Alexander Lord Gordoune **to cum to the Gobernouris presence**, or quhare he plesis, and to pas and repas with xl or fifty men, in houshald; for þe space of sex monethis next to cum.

Oct. 26.—Respit to Johne Erle of Levinax, Lord Dernlie, and generalie to all his kyn, freindis, men, tenantis, and servandis, quhaireuer þai be within þe realme, **that abidis faithfully at**

[1] Another Respite was granted on Nov. 8 following, in the same terms.

[2] John Duke of Albany.

the opiniounе of the Gobernour, in ꝑe Kingis name, and kepis lele and afald[1] pairt to hym for **all maner of actionis**, &c, committit or done be hym or ꝑame in ony tyme bigane. For five ȝeris.

Oct. 28.—Lettre to Hew Erle of Eglintoune, makand him and his assignais **Reparis** ouerfearis, correkaris, and suplearis of **the Isle of Litill Comeray**, ꝑe dere, cunyngis[2] and wild bestis being ꝑairin, quhill ꝑe Kingis perfyte age of xv ȝere; becaus Robert Huntare of Huntarestoune, Forrestar of heretage of ꝑe said Ile, is nocht of power to resist ꝑe personis ꝑat waistis ꝑe samyn, without suplé and help, &c.

Dec. 1.—Remission to John Makkenze of Kyntale, William Dingwell of Kyldun, and two others, for treasonably **Taking and Keeping** the King's **Castle of Dingwale**, with the Artillery and goods therein, &c.

Dec. 7.—Respitt to Andro Retra of Balnocard, for art and part of ꝑe **Slaughter** of Dauid Blare;[3] committit thre ȝeris syne with ꝑe mare.[4] For thre ȝeris.

Dec. 11.—Respit to James Erle of Arane, Lord Hammiltoune, with his honorable Howshald, to cum to ꝑe burghe of Edr, or ony vꝑer part within ꝑe realme, and ꝑare to remane and **commune with the Lord Gobernour**, and Lordis of Counsale, and solist and do his leiffull eirrandis he hes ado; and sauflie and suirelie to pas and repas, with his said howshald, &c. To endure ꝑe space of xxti days. (Subscript. manibus Domini Gubernatoris et Dominorum Consilii, viz. Comitibus, Cravfurdie, Huntlie, Levenax, Rothes, Eglintoune, Cassillis; Dominis, Flemyng, Cancellarij, (Episc.) Dunblanen., Rosse, Lyndesay, Erskyne, Maxwell, Prioris S. Andree, Abbatis S. Crucis, Archidiaconi S. Andree et Postulati de Dunfermlyng.)

Jan. 16, 1515-16.—Lettre maid to Kateryne Fynne, for hir gude and thankfull service done in ꝑe **Nursing, fostering, and keping** of vmqle ꝑe Kingis broꝑer, **Alexander Prince of Scotland**, for all ꝑe dayis and termes of hir lyf, of x li., &c.

Jan. 29.—Respit to Robert Elwald of Redeheuche, Williame of Lauerokstanis, his bruꝑer, Henry Nikfoune, James Forestare in Grenehauche, and Adam Crofer, and with ꝑame vꝑeris xl personis, ꝑare kynnifmenne, freindis, or servandis, for **all maner of actionis**, &c.

Feb. 2.—Respit to Dauid Ramsay, bruꝑer to Neische Ramsay of Banffe, for art and part of ꝑe **Slaachter** of vmqle Dauid Blare,[5] committit in Essindy thre ȝeris syne, &c.

Feb. 3.—Letter to Robert Lord Maxwell, conferring on him ꝑe office of **Stewartry of Kirkcudbrycht**, and **keping** of our **Castell of Treife**, with ꝑe landis, fyschingis, feis, and dewiteis pertening ꝑairto; for ꝑe termes of nynetene ȝeris, wythout ony paing[6] of males or dewiteis ꝑairfor.

Feb. 4.—Remission to Robert Lord Creichtoune of Sanchquhare, James Lokart of Ley, Edward Creichtoune in Libree, John C., brother german of umqle Robert of Kirkpatryk, Robert C., son of umqle John in Eliok, Patrick C., son of umqle John in Carco, and seven others, for the **Slaughter of James Douglas**, committed within the burgh of Edinburgh, on forethought felony: And also to John Hare in Glenquory, John H., son of Nicholas, and Donald H. in Garglenne, for the **Slaughter** of John Dwne, committed within the barony of Sanquhare on forethought felony.

Feb. 8.—Respect to Niniane Creichtoune, bruꝑer germane to vmqle Robert C. of Kirkpatrik, and George C., for ꝑe **forthocht felony and Slauchter** of vmqle **Robert Fergussoune of Braconsyde**, and Alexander F., bruꝑer to vmqle Johne F. of Cragdarraucht. For xix ȝeris.

Eo die.—Remission to George Buchquhannane, grandson and heir apparent of Walter B. of that Ilk, Thomas and Walter B., and Walter Blare, for treasonably **Besieging**, taking, and

[1] Sincere; literally, one-fold, single.
[2] The deer and rabbits.
[3] See these Extracts, Feb. 2, 1515-16.
[4] And further at the Governor's pleasure.
[5] See these Extracts, Dec. 7, 1515.
[6] Any payment of rent, &c.

detaining **the Castle of Dunbertane** from the King, and his keepers thereof:[1] And for **Fire-raising** and Burning the gates and doors of **Grenok**, and certain buildings within the lordship of the Monastery of Kilwynning.

Mar. 6.—Remission to George Forman in Kilmany, specially named in the Signature of Remission granted to John Earl of Levenax, for art and part of the treasonable **Besieging**, taking, and detaining the King's **Castle of Dunbertane** from the King and his Keepers thereof: And for the **Slaughter** of John Buste, committed within the lands of Kilmeny.

Mar. 7.—Speciale Protectioune to Johne Makcane of Ardnamurchane, Alexander Johne Caynochis-sone, Donald Makrannald Wane, Nele Maknele of Geya, Angus Johne-Dowison of þe Loupe, **familiaris and servandis to Colline Erle of Ergile.** To endure for þe Gouernouris will.

Mar. 28, 1516.—Remission to James Smythe, indweller in Jedburghe, for the **Slaughter** of John Pagin, **Stage-player,**[2] committed nine months since.

Apr. 8.—Respect to Walter Ogiluy, and Johne Syme his servand, for þe **Slauchter** of Johne Piot, **Crowner depute** within the scherefdome of Forfare. For thre 3eris.

Apr. 14.—Remission to James Makcalzene, burgess of Edinburgh, for his **treasonably Exporting gold and silver,** coined and uncoined; and for treasonably **Clipping and Cutting the coin** of the realm, &c.

Apr. 16.—Remission to David Kynloche, as an assister and participator with **Archibald Earl of Angus,** Lord Douglas, in the High Treason committed by him.[3]

Eo die.—Remission to Henry Andersoune, in Newale, and seven others, as assisters and partakers with **Archibald Earl of Angus** in his treasonable facts, viz. for **High Treason** committed by them against **the King's proper person,** and his brother **the Duke of Ross,** persuading and using their utmost care and diligence to take them furth of the Castle of Stirling, during their minority, where they had been placed, and were ordained to be kept, by the advice and consent of the Governor and three Estates of the realm, in Parliament: And for all other crimes, &c.

Oct. 19.—Remission to David Wemis of that Ilk, and xxxiij others, for art and part of the **Slaughter** of William Moffet, committed on forethought felony.

Oct. 27.—Remission to George Haitlie of Brumehill, and Thomas Cranstoun of Doddis, for their treasonable art, part, and **Assistance** given to vmq^le **Alexander Lord Hume,**[4] in his treasonable Intercommuning with the King's Rebels, Thieves, and Traitors,[5] &c.

Oct. 28.—Letter to Robert Lord Maxwell, makand him **Capitane and Repare of the**

[1] James Muschet of Colgarthe, and seven other servants of John Earl of Lennox, also got a Remission, of this date, for the same crime. [2] *Histrionis.* He may have been a *Mummer* or Buffoon. The mention of 'Playaris' are frequent in the old Records, Treasurers' Accounts, &c. [3] Many others were Remitted for the same offence, but, except in the cases of persons of distinction, it seems unnecessary to enumerate them. [4] Alexander Lord Home, and his brother *Mr William Home,* were beheaded at Edinburgh, Lord Home on 8th, and his brother on the following day, 9th October, 1516, and their heads were affixed on the Tolbooth. As a specimen of the contempt which our older writers seem to have entertained for chronological accuracy, *Lesley* (p. 107.) mentions the 8th, *Buchanan* (xiv. 7.) says the 11th, and his authority is followed by *Crawford* in his Officers of State (p. 324.), &c., and *Sir James Balfour* (I. 245) fixes the 26th day of October, 1516. *Pitscottie* and others do not mention any date. The Peerages follow *Lesley's* authority. See *Wood's* Peerage, I. 735, &c. Those who are most familiar with the Chronicles, will easily recollect more serious discrepancies in matters of much greater moment. On Jul. 21, 1520, George Home, brother to the deceased Lord, came to Edinburgh with a great company, and in presence of the Provost took down the heads of his two brothers from 'the Tolbuithe gavell, quhair thay war fixt with iron.' They returned on the 25th, and 'causit solempne funerall and obsequies be maid in *the Black Fryers,* for the saulis of the saidis *Lord Hwme* and his bruder; quhairat thair wes greit offeringis and banquetis maid, and returnit hame to thair awin dwellingis.' *Lesley,* 116. See also these Extracts, Oct. 12, 1528. [5] Several other Remissions were granted for the same crime to persons of no note.

Castell of Lochmabane, with þe pertinentis, gevand him power, portaris, and gevillouris[1] to deput, &c.

Oct. 30.—Refpit to LAUCHELANE MAKINTOICHE, and to þe nowmer of xl perfonis with him, for all crimes and offenfis committit be him or þe faidis perfonis; and **to rum and commoune with the Gouernour and Lordis of Counsale**, anent all materis he and þai hes ado; and to pas and repafs one horfbak or one fute furelie, without harme, &c. To indure for þe fpace of xl dayis next eftir þe dait þairof.

Oct. 31.—Remiffion to ANDREW TOICHOCHE (of Monyvaird?), Laird of the fourth part of the Lands of Maggye, fpecially named in the Signature of Remiffion of JAMES EARL OF ARRAN, Lord Hammiltoun, &c., for withholding and **Detaining the Castle of Hammiltoune** againft THE REGENT'S authority, &c.

Eo die.—Remiffion, with confent of the Governor, and the Ratification of the three eftates of Parliament, to THOMAS HUNTARE,[2] for art and part of **Besieging and taking the Castle and Place of Glasgow**, breaking and taking THE KING'S ARTILLERY, and warlike ftores therein: AND for treafonable Convocation of the lieges, 'in feir of weir,' againft the forefaid CASTLE AND TOWN OF GLASGOW, and THE LORD GOVERNOR, reprefenting the perfon and authority of THE KING.

Nov. 8.—Refpitt to WILLIAM ELWALD OF LARESTANIS (Laverockftanis), and feven others, and generalie to all vþeris þair kinne and freindis of **the Clannis and Surnames of Elwald**, and als to þir vþer perfones þair kynnifmen, &c. for quham þai war bundin and hes deliuerit plageis, viz. James Foreftare and forty-feven others, for all maner of crimes of **Tresoune, Slaughter, Reffis, Hereschippis**, &c. For þe fpace of ane 3ere.[3]

Mar. 12, 1516-7.—Remiffion to ALEXANDER MAKLOID OF DUNVEGANE, and all his kinfmen, friends, and fervants, &c. for their affiftance and fupply given to **Donald of the Ilcs of Lochalch**, knight, at the time of his being with ALEXANDER LORD HUME, in his treafonable deeds: AND for all other crimes, offences, and actions whatfoever, without any exception.

Eo die.—Remiffion to LAUCHLAN MAKCLANE OF DOWART, Donald Makclane, Gillewin Maknele of Barra, Dulleife Makwidy of Vlua, Neill Makkynna of Moifnes, and Lauchlan Makclane of Argour, and all their **Kinsmen**, &c. in the fame terms as above.

Mar. 14.—Remiffion to JOHN MAKCLANE OF LOCHBOY, and all his kinfmen, &c. as above. —On Mar. 8, he got a Gift of the rents and duties of THE KING'S lands of **Tereé**, to be held by him during the office of THE GOVERNOR, for his good and faithful fervice done and to be done, and for inbringing THE KING'S Rents of the Southfide of Ardmurche, excepting fuch lands as pertained to John Makcane of Ardnamurchane.

Apr. 8.—Refpitt to ALEXANDER TROTTARE, and fix others, for þair treffonable art, parte, and **Assistance** gevin be þaim to vmq^le **Alexander Lord Yume**, his breþer and complicis, for treafonable Confpirationis contrare þE KING, his derreft coufing, Tutour and Governour, and his realme, and vþeris þair evill dedis; and for all vþeris treffonable actionis, &c. without exceptioune. To indure for þe fpace of xix 3eris.

Apr. 24.—Remiffion to SIR WILLIAM CUNNYNGHAME, KNT. MASTER OF GLENCARNE, fon and heir apparent of Cuthbert Earl of Glencarne, and xxvij others, for the cruel **Slaughter of Mr Mathew Montgomery**, Archibald Caldwell, and John Smyth, committed on forethought felony: AND for the **Yurting of John (Master of) Montgomery**, fon and heir apparent of Hugh Earl of Eglingtoune, &c.

[1] Jailers. O. Fr. *javilleur*. [2] Many others got similar Remissions, &c. for the same crimes. [3] A great number of NYKSOUNIS, HENDERSOUNIS, &c. got a similar Respite on Nov. 20, 1516.

May 18.—Reſpitt to all and ſindry þe Kingis liegis of **the Clannis and Surnamis of Armstrang** and **Talzour**, and all þair kynniſmenne, freindis and ſernandis, and vþeris dependand vpone þaim of þe **Clannis of Liddisdale, now dwelland in the Debatable Land and Weddis**, þat will deliuer to þe Gouernour ſufficient plegis to remane for gude reule, quhair þat ſalbe aſſignit: To indure for þe ſpace of a zere next to cum.

Oct. 3.—Reſpitt to Williame Borthwik of Crukstoune for þe **Slawchter** of vmq^le Vchtred Kincaid. To indure quhill þe firſt day of Aprile nixt to cum.

Jul. 21, 1522.—Remiſſion to Williame Cokburne, 'ſon and heir apparent'[1] of Williame C. of Langtoune, for art and part of the treaſonable **Slaughter of Sir Anthony Darcese de la Basty, knt.**,[2] Guardian and Lieutenant within the bounds of Louthiane and Merse: And for aſſiſting the committers of the ſaid Slaughter, after committing thereof: And for abſconding with them, 'red-hand:' And for art and part of aſſiſting vmq^le Alexander Lord Hume, &c.

Oct. 23, 1523.—Remiſſion to Mr James Kynninmont for the **Slaughter** of vmq^le Alexander Kincaid, &c.

Mar. 18, 1523-4.—Remiſſion to John Retray of Leichehill, for the **Slaughter of John Creichtoune of Innernyte.**

Sep. 6, 1524.—Lettre to Robert Gib of þe Gift of **the Seruice of Steropmanschip**[3] **to the King**, during þe Kingis will.

Sep. 11.—Letter to Robert Lord Maxwell, and James Stewart, brother germane to Andro Lord Avandale, 'at þe takin of our autoritie riall and gouernment of our realme apon our ſelf,' makand þe ſaid Robert **Principale Capitane**, and þe ſaid James **Principale Lieutenant**, for all þe dais of þare liſs, of **our Garde, Bande, and Cumpany of Wageouris**,[4] baith Fut-men and horse-men.

Nov. 14.—Reſpitt to James Twedy, ſone and apperand aire to John Tuedy of Drummelzare, and to vþeris xvij perſonis, for þe cruell **Slaughter of vmqle Johne Lord Flemyng**, and treſſonable Taking and **Presonyng of Malcome Maister of Flemyng**, his ſone and are, þe Kingis fré man, in priuate Preſonne: And for **Reif** of certane gudis fra þame and þare ſernandis, þe ſamyn tyme: For þe ſpace of ane zeire to indure.

Nov. 22.—Lettre to Elizabethe Lermonthe, þe relict of vmq^te Maister James Wischart of Petterrow, **Clerk of Justiciarie and Advocate** to þe Kingis grace, and to þe ſaid Elizabethe ſmall faderles barnis, to help to put þame to proffitt, for þe ſaid vmq^le Maiſter James gude and thankfull ſeruice done to þe Kingis hienes, and his derreſt moder, þe Quenis grace, of the Gift of the Mariage of *Johne Wiſchert*, ſone and are of þe ſaid vmquhill Maiſter James; and failzeing of þe ſaid Johnne be deces vnmarijt, þe mariage of ony vþer are or aris, &c.

[1] These words are struck out of the Record. [2] This French knight had been appointed Lieutenant and Warden of the East Borders on the execution of the Earl of Home, which gave great offence to the Scottish nobility, who naturally felt jealous of the appointment of foreigners to offices of such distinction. In the absence of the Governor, in France, *the Homes* got up a mock *Siege of the Castle of Langholm* for the purpose of drawing out the Lieutenant. Their plot succeeded, for *De la Bastie* left *Dunbar* with a pretty strong force, but fell into the hands of *David Home of Wedderburn*, who surprised and killed him and four other Frenchmen, and affixed his head on the Tolbooth at Dunse, on Sep. 19, 1517. See *Lesley*, p. 110; *Balfour*, i. 245; and *Pitscottie*, p. 307, which last author, in his usual quaint style, informs us, that 'being ane stranger, and not knawing the ground weill, he laired his hors in ane mos; and thair his enemies cam vpoun him, and slew and murthered him verrie vnhonestlie; and cutted aff his head and carried with thame. And it was said that he had long hair plett in his neck, quhilk David Home of Wedderburne knitt to his saidle-how and keipt it." The Scottish writers strangely disfigure the name of this distinguished individual. He is called Bawty, De la Beauté, Bautie, and finally, old *Pitscottie* distances them all, by dubbing him Tillibatie! [3] Stirrup-holder. [4] Hired or waged soldiers; troops serving for pay.

Nov. 22, 1525.—Precept of a Letter to NICHOLAS CRAUFURD OF OXINGANGIS, making him Justice Clerk.

Feb. 21. 1525-6.—Remiſſion to JOHN KEITH OF RAVYNNISCRAG, and Thomas Dalgarnoche, for their treaſonably Abiding from THE KING'S Armies at Flodoune, Werk, and Sulway: AND for art and part of the Slaughter of Gawin Murray, Andrew Stratoune, William Forbes, and John Smythſſonne, &c.

May 12, 1526.—Reſpett to ALEXANDER HOPPRINGILL OF BURNHOUS, John H. of þat Ilk, James and George, ſones to þe ſaid Alexander, James H. in Newbotill, and Charles Murray, for þe Slaughter of vmq^le Williame Thomeſone: For xix ȝeris.

May 30.—Reſpett to JOHN MURRAY OF STROWANE, Dauid his broder, Jone ſone of Patrik M. in Dunfally, Andro M. of Abirochill, Williame M. ſon of vmq^le Alex. M., Johne M. ſon of Dauid of Lochland, and Johne Moyll ȝoungar, for þe Slaughteris of vmq^le Newin Dewar and Dauid Phillane; For þe ſpace of xix ȝeris.

May 31.—Reſpett to CHARLIS LOWRY for þe Slaughter of vmq^le Waltir Newlandis of that Ilk, &c.: For þe ſpace of xix ȝeris.

Jun. 6.—Reſpit to JAMES TUEDY, ſone and apperand air of Johne Tuedy of Drummelȝar, Johne þe Vaiche of Kingſide, James Tuedy of Kirkhall, David Newtoune of Michellhill, Williame Portuiſe of Glenkirk, and twelve others, for þe Slauchter of vmq^le John Lord Flemyng, committit apone forethocht felony: For xix ȝeris. (*At Striueling.*)

Jul. 11.—Reſpett to JOHNE LOGANE OF BALUEY, Walter his ſone and apperand aire, Robert L. alſo his ſone, and ſeven others, for þair treſſonable Asseging, taking and withhalding of þe KINGIS Castell and fortalice of Dumbertane fra his ſervandis, Keparis þairof, &c.: For þe ſpace of xix ȝeris.

Eo die.—Reſpitt to GEORGE BUCHQUHANNANE OF þAT ILK, and xxij vþeris, extract furth of þe Reſpitt of JOHNE ERLE OF LEVINAX for his treſſonabill Asseging, taking and withhalding of our ſouerane lordis Castle and Fortalice of Dumbertene fra his ſeruandis, Keparis þairof.

Eo die.—Reſpitt to (SCHIR) JOHNNE COLQUHONE OF LUCE, knycht, and Patrik Colquhone, for the ſame crimes.

Jun. 18.—Reſpitt to GILBERT ERLE OF CASSILIS, Lord Kennedy, &c., James and Thomas K. his brethir, Hew K. of Girvenmanys, John, George, and Alexander his brethir, Dauid Kennedy, eme[1] to þe ſaid Erle, James K. of Knokdone, Johne K. of Giltre, Patrik Ahannay of Sorby, Berthilmo Craufurd of Kerſe, Robert, and Duncane his bruþer, Williame Cunynghame of Boquhanne, Robert Grayme of Knokdoleane, Gilbert his bruþer, Johne Kennedy of Culȝane, Gilbert K. of Balmaclannoche,[2] Johne Bard of Kilhenȝe, Patrik Muir of Cloncard, Johne Muir of Auchiudrane, John Muir his man, John Muir of Wodland, Thomas Corry of Kelwod, Thomas his ſone, Richert Makgee of Myrtoune, Thomas Dauidſone of Grenane, Thomas his ſone, Johne Eklis of þat Ilk, James McCrynnell of Barneile, James Muir of Byngart, James Blair of Midill Auchindrane, Alexander M^cdouell, Tutour of Garthlon, John Kennedy of Benone, Johne Ross of Drumgrange, Gilbert Kennedy, þe Proveſtis ſone, Fergufe Makdowell of Freuche, and *two hundred and thirty-three* others, for þe Treſsonable Slauchter of umqle Cornelius de Machetema, Ducheman,[3] in þe tyme of þe ſeit of our PARLIAMENT; and for all cryme and actioune þat may follow þairupoune: AND for þe Slauchter of umq^le Martyne Kennedy, and Gilbert Makilwraithe: AND for þe Interrommonyng with our Rebellis being at our horne, &c. to þe dait heirof. For xix ȝeris to indure.

[1] Uncle. [2] Balmaclannochan. [3] See Jul. 17 following.

Jun. 19.—Remiſſion to Robert Bertoune of Ouer Berntoune for his **treasonable absence** from the King's Army with James Earl of Arran, **for recovery of the Castles of Hume and Wedderburne.** And for his abſence from the Army with the King and Archibald Earl of Angus for **taking the House of Colbrandiſpethe**, &c.

Jun. 20.—Precept of Remiſſion to Sir Patrick Hepburne of Waughtoune, Kn^t, Patrick Quhitlaw of that Ilk, John Hepburne of Weſt Fortoun, William H. of Crag, Mr John H. and four others, and James Wawane of Stevinſtonne for their **treasonable** art and part and **Assistance** given to umq^le **David Hume of Wedderburne**, his brothers, and accomplices.

Jun. 22.—Precept of a Letter of Confirmation to Robert Lord Maxwell, of **the Offices of Stewardry of Annanderdale** and **Kirkcudbright**, and the **Keepership of the Castles of Lochmabane and Troil**; with the lands, fees, &c. thereto belonging.

Jun. 25.—Reſpet to James Dowglas of Drumlanrig, James Gordoune of Lochinver, and xxxvij vperis, pair kynniſmen, freindis, and ſeruandis, for arte, parte, and **Assistance** given to **Alexander Forester**, and vperis his complices, **Cheiſis and Tratouris** duelland apone **Levin**, in pair treſſonable dedis: And for pe **Slauchter of Thomas Macclellane of Bomby**,[1] committit apone forthocht felony, within the Town of Edinburghe, &c.: For xix ȝeris.

Eo die.—Letter of Gift of pe Eſchete of pe above perſonis to James Maitland of Auchingaſſill and Michell Makquhan, burges of Edinburghe, coiunctlie and ſeueralie.

Jun. 28.—Remiſſion to Thomas Sinclar and John Hume, Bailies of Hadingtoune, and generally, the Council and community, &c. thereof, for their **treasonable** art, part and **assistance** given by them to umq^le **David Hume of Weddirburne**, his brothers and accomplices, &c.

Eo die.—Reſpett to Robert Lawder of pe Basse for his **treasonable assisting** and manteinyng of vmq^le **David Hume of Weddirburne**, being convict of Treſone, pe Kingis Rebell, &c.: And gevand full Licence to pe ſaid Robert to remane at hame fra all Parliamentis, &c. and to pass in pe pairtis beȝond Sey, owper be ſey or land, ony ſpace and tyme he pleſis: For nyne ȝeris, &c.

Jul. 1.—Reſpet to James Erle of Arane, Hew Erle of Eglintoune, Andro Lord Avandale, Hew Campbell of Lowdoune, William Wallace, Tutour of Cragy, and James Hammyltoune of Fynnart, knycht, with mony vperis to pe nowmer of V^m or Vj^m[2] ſa mony as pe ſaid *Erle of Arane* will verify, be his hand write, and mak faithe pairupoune, pertenis, or ar menne or ſeruandes to him or paim, ffor pe **tressonable arraying of Batell, Insurrectionne, and Feilding aganis Johne Duke of Albany, &c. Tutour to pe Kingis grace, Protectour and Gouernour** of his realme, cummand with pe Kingis auctorite, and his Baner being diſplayit for pe tym, at **Kittyerocehill, besyde Glasgw**; and for all cryme pat may follow pairupoune: And for all vper **Tresonis, Slauchteris**, &c. in ony tyme bigane, Treſone in pe Kingis perſone, and arte and part of pe **Slauchter of umquhile Edward Cunynghame of Auchinharvy** alanerlie except. For pe ſpace of xix ȝeris.

Jul. 2.—Remiſſion to Sir James Sandelandis of Caldor, kn^t, Robert Bruce of Auchinbowy, Richard Grahame, and twelve others, for the cruel **Slaughter of James Someruile**, committit on forethought felony.

Jul. 9.—Remiſſion to John Halkhede of Petfurane, Charles Denneſtoune, William Spittall of Lewquhat, and twenty others, for the **Slaughter of John Greiſ**, committed on 'ſuddantie.'

[1] *Sir James Balfour* says that he was slain by Sir John Campbell (of Calder); which person *Lesley* confounds with the Laird of '*Maclane*' (Makclellane.) *Annales*, I, 258. *Lesley*, p. 136. See also these Extracts, Nov. 12, 1529.

[2] Five thousand or six thousand.

Jul. 16.—Reſpitt to CUTHBERT ERLE OF GLENCAIRNE, Williame, Maiſter þairof, James C. his broder, Robert C. of Aikheid, Robert Boyd of Portincorſe, Robert C. ȝoung Lard of Watterſtoune, Williame C. of Polquharne, John C. of Caprintoune, Alexander C. of Laiglane, Edward Mure of Middiltoune, David C. of Bertaneholme, Williame C. of Craiganis, Williame C. of Cunynghameheid, Mungo Mure of Rowallane, Williame C. of Glengarnok, and Robert Boyd in Kilmernok, for þair treſonable art and part of **Aſſegeing of þe Caſtell of Striueling**, in company with JOHNE DUKE OF ALBANY, þan Gouernor of þis realme, þe KINGIS maiſt noble perſone being þairin, in his tendir aige: AND for þair treſonable intrometting with þe KINGIS perſone at þat tyme, in company with þe ſaid **Johne Duke of Albany**, his Tutour, he being immediatlie to ſuccede to him,[1] and nocht able[2] be þe law, to bave his perſone in keping: And for þair **treſonable arraying of ane Feild and Battale** aganis þe ſaid Johne Duke of Albany, his Tutour, Protectour, and Governour of his realme, and preſentand his perſon, at **Kittycorshill besyde Glasgw**: And for þair treſonable **Assegeing**, taking, and Withhalding of his **Caſtell of Dunbertane** fra his grace and his feruandis, keparis þairof. AND for all vþeris crymes of Treſone, Leſe-maieſtie, actionis, transgreſſionis, crymes and offenſis quhatsumeuer, committit or done be þe faidis perſonis, or ony of þaim, in ony tym bigane, vnto þe day of þe dait heirof, without ony exceptioune. For þe ſpace of xix ȝeris.

Jul. 17.—Reſpett to WILLIAM LORD SYMPLE, ROBERT MAISTER SYMPLE, Dauid and Williame, ſonnis to þe ſaid Lord, Gabriell his brother, Johne S. in Auchinlodmont, Johne his ſone, Johne S. of Brigend, Robert S., Williame Fleming ȝoung Lard of Baruchane, and Johne Tyndale of þo Laughe, and thirteen others, for þe **treſonable Slaughter of Cornelius de Machetema, Ducheman,**[3] at þe Tolbuthe of Edr, in tyme of PARLIAMENT, &c. For þe ſpace of xix ȝeris.

Jul. 22.—Remiſſion to ROBERT GENTILMAN and three others, for **treſonably fortifying and detaining the Castle of Striuiling**, after THE KING had ſummoned it to be delivered up by his HERALD, he being perſonally preſent to receive the ſaid Caſtle, &c. (*Apud Jedburghe.*)

Jul. 31.—Reſpit to DAVID SPOTTISWOD for þe treſonable **Conboratioune** of our ſouerane lordis liegis, and vþeris Rebellis, **Tratouris and Inglismen**; Ridand throw þe realme; **Segeand the Castell of Striuiling** and **Palace of Linlithgw**; arrayand **Battell** aganis JAMES ERLE OF ARRANE, ane of þe REGENTIS of þe realme, &c.

Aug. 2.—Letter to JAMES EARL OF MORAY, making him **Lieutenant General of the Northern parts of the kingdom**, viz. THE SHIRES OF ABIRDENE, KYNCARDIN, BANF, ELGIN, FORESE, NARNE, INUERNYS, and all other bounds from THE NORTH WATER to WYK in Cathnes. For five years; and farther at the King's pleaſure.

Aug. 6.—Reſpit to JOHNE LINDESAY OF COLBYNTOUNE, Rolland L. his broder, and four others, for þair treſonable **Resset** and **Intercommonyng** with ROBERT FORESTAR and vþeris, **Rebellis and Tratouris, duelland vpone Levin**, in þair treſonabill dedis: AND for þe cruell **Slaughter of Williame Weir of Stanehyris**, committit be way of Murthir, vndir ſylence of nycht, in þe Channone-gate of Edr.: ATTOUR Reſpettis generally all his liegis and ſubditis þat hes ony wife Reſſet or Intercommonit with þe ſaid Johne and his complicis, þai being his Rebellis and at his horne. For xix ȝeris.—And with command to þe Scheref of Lanerk, &c. to relax þe ſaid Johne, &c. fra þe proceſs of þe horne, and reſſave þaim to þe peax, and gif þaim þe wand þairof,[4] &c.

Aug. 8.—Remiſſion to JAMES EARL OF MORAY, Mr Mowat of Buchquhelly, Nicholas Roſs, ſon of John Roſs of Auchloſſin, and eight others, for art and part of the **Invasion and taking** of

[1] Being the person next in succession to the Crown. [2] Lat. *habilis*, viz. being unfit; incapacitated. [3] See Jun. 18, 1526, of these Extracts, Vol. 1, p. * 236. [4] For an explanation of that ceremony, see this Collection of Trials, Oct. 11, 1531, *Notice;* Jul. 23, 1566, *Note;* and Nov. 18, 1511.

umqle **Alexander Earl of Huntlie,** THE KING'S LIEUTENANT, within the Burgh of Perthe, in company with umqte WILLIAM ERLE OF ERROL, &c.

Aug. 16.—Respet to MALCOLM LORD FLEMYNG, James Murray of Fawlohill, Gilbert Broune of Thrapland, Andro Broune of Hartre, Richard B. of Cultermanis, Patrik Portuise of Halkschaw, Walter Huntar of Polmude, Robert his broder, Thomas Kincaid of þat Ilk, James Kincaid þe Lard of Crympcramp, Robert K., Johne Murray of Lewinishope, William M. of Sundhope, Johne M. *þe gryse*, William Boyd of Bathinheucht, Robert his broder, Williame Carwod of þat Ilk, Williame Murray of Romannos, James Sandelandis of Boyll, and sixty others, ffor þair **tresonable Intercommouyng** with *Alexander Forester*, *Jonkin Storie*, and vþeris þair complicis, **Inglismen and Tratouris,** duelland vpone **Lebine;** and **Resset** of þaim within þe realme, **in tyme of Weir,** in tresonable wyse. For þe space of xix ȝeris.

Aug. 17.—Commission of Justiciary to ROBERT LORD MAXWELL, constituting him **Justiciar** within the limits of his Office of Warden of **the West Marches:** For five years; and farther at THE KING'S pleasure.

Sep. 5.—Remission to WILLIAM EARL OF MONTROSE, and xxix others, for art and part of the **Slaughter of Charles Murray,** and others slain in his company.

Oct. 18.—Respet to ROBERT STEWART OF MYNTO for his being with vmquhile JOHNE ERLE OF LEUINAX in þe **Feild of Linlithgw.**

Oct. 19.—Remission to NICHOLAS RAMSAY OF DALHOUSY for the **Slaughter of George Ramsay his brother;** committed upon 'suddantie.'

Oct. 25.—REX, WE promitt faithfullyie, þe þir our Lettres to our louit familiar ARCHEBALD DOWGLAS,[1] our Thesaurer, for his gude and thankfull seruice done to ws, that quhat tyme and how sone JOHNE LORD LINDESAY, now being vnder summondis at oure instance, for poyntis of Tresoune imput to him, beis convict þairof, and Dome of Forfaltour gevin vpone him, his landis and gudis, that we sall þan incontinent gyff to þe said Archibald, his airris and assignayis, our hale **Escheit of the said Johne Lord Lyndesayis landis and gudis;** and sall infeft þe said Archibald, his airis and assignayis, heretabillie, in all landis and annuellis with þair pertinentis haldin be þe said Johne of ws immediatlie; and sall present þe said Archibald in tenent heritable to þe said Johnnis vþer oure-lordis,[2] now haldin be him of þame, and sall mak him be infeft of þe samyn; and sall mak him alsua be aafuerit of our escheit of all þe said Johnis movable guidis, takkis, steidingis, obligationis, and vþeris quhatsumeuer: And þan as now, and now as þan, We gyf be thir presentis to þe said Archibald, his airis and assignayis, oure haill escheit of þe said Johnnis landis and gudis to be disponit at þair plesoure, in cace þe said Johne beis ffforfalt, as said is. GEVIN vndir our Priue Sele, and subscriuit with our hand, At Edinburghe, þe xxv day of October, and of our regne þe xiiij ȝeir. [JAMES R.]

Oct. 28.—Remission to DAUID DOUGLAS OF PETTINDREICHE and fifteen others for their **treasonable Resetting** and Intercommouning with **Duncan Cumyn** and his complices, Rebels and at the horn, &c.

Dec. 27.—Remission to ADAM LINDESAY OF DOWHILL for **High Treason** committed by him, by his persuasion, labour, care, and diligence **to take the King** and his deceased brother **the Duke of Ross furth of the Castle of Stirling,** where he had been placed with the advice and consent of his Tutor John Duke of Albany and the three Estates of the realm: AND for treasonable **Conuocation with David Hume of Wedderburne,** his brothers, and their accomplices, Rebels and at the horn, &c.

[1] The noted Sir Archibald Douglas of Kilspindie, Lord Provost of Edinburgh, &c. For some notices of this remarkable person, who the King, in his youth, called his '*Grey-steill*,' see Vol. I, p. * 195. Reference may also be made for Hume of *Godscroft's* History. [2] Over-lords, superiors.

Jan. 10, 1526-7.—Remiſſion to DAUID BALFOUR OF BURLIE and xv others for their treaſonable art and part of **Preparing**, &c. **the Field of Battle near Linlithgow.**

Jan. 19.—Remiſſion to PATRICK OGILUY OF INCHEMERTINE and xvj others for being with umq^le^ **Dauid Hume of Wedderburne**, &c. (*Apud S. Andream.*)

Eo die.—Remiſſion to ALAN JAMESON, for **Abiding** from THE KING'S **Army** with THE GOVERNOR, **at Dunglas, Bonkill**, and other parts **in the Merse.**

Jan. 20.—Remiſſion to THE BAILIES AND COMMUNITY OF DUNDEE for **Intercommuning** with Andrew Cariageman, Dauid Blantire, and other **Rebels**: AND for the **Slaughter** of Gilbert Lindeſay.

Jan. 24.—Remiſſion to WILLIAM MASTER OF RUTHUENE and five others for treaſonably **Beſieging the Caſtle of Rothiſsay and Burning the town of Bute.** (*Apud Balmerinoch.*)

Jan. 28.—Remiſſion to WALTER BONAR OF KELTY, and two others, for **forethought felony and Oppreſſion** done by them to ANDREW ROLLOK OF DUNCROWB and others his accomplices, in coming to the Pariſh Kirk of Dunnyne, and for **Hurting** Gothrey Wilſoune, at the ſame time.

Jan. 30.—Remiſſion to JOHN OGILUIE OF INNERQUHARITE and xvij others for **Abiding from the Raid at Werk.** (*Apud Perth.*)

Jan. 31.—Reſpitt to PATRIK BUCHQUHANNANE, Walteris ſon, Duncane B. Walteris ſone, Alex. B. Patrikis ſon, Johne Makintaiȝour, Patrik B. Johnnis ſon, Patrik B. Johnne Walteris ſone, Johne Malcome of Lanyis ſon, and five others, for ꝑare **treaſonabill art, part, and aſſistance** gevin be ꝑame to George Buchquhannane and Robert B. and vꝑeris ꝑare complicis, our **Rebellis**, being at our horne, in ꝑare treſonabill dedis: And for ꝑe **treſonabill raſing of Fyre** in ꝑe landis of **Arrouchquhir**, pertenyng to M^c^Farlane: AND for ꝑe crewall **Slauchter** of Johne Laurenceſone and certane vꝑeris being with him in his cumpany, committit apoune forthocht felony within ꝑe Toune of Toughe: AND for ꝑe **Reiff, Spuilȝie, and Herying** of ꝑe ſaid **Toune of Towghe** ꝑat ſamyne tyme, &c.: For xix ȝeris. (*Apud Perthe.*)

Mar. 1.—Lettre to PATRIK SINCLARE, makand him **Maiſter of Hunting to the King**; and gevand him ꝑairfore, ȝeirlie, ꝑe ſoume of xl li.

Feb. 5.—Remiſſion THE PROVOST, BAILIES, AND COMMUNITY OF PERTH, for art and part of the **Burning of the Place and houſes of Cragy**, &c.

Apr. 11, 1527.—Reſpett to JAMES HAMMILTOUN OF INNERWIK, Johne of Newtoune, and four others, for ꝑair treſonable **Arraying of Batell** aganis ꝑe GOUERNOUR, **at Rittieroce-hill** beſide GLASQW.

Apr. 17.—Remiſſion to JAMES STEWART OF TWEDY for art and part of preparing the **Field of Battle near Linlithgw.**

Apr. 23.—Lettre to ROBERT LORD MAXWELL, now being WARDANE OF ꝑE WEST MARCHIS. gevand him full power within ꝑe boundis of his Wardanry **to tak Inquiſitionne vpone Thift**, Reſſett of Thevis, Slauchter, with all vꝑir poyntis concernyng his poware of WARDANRY, during all ꝑe tyme ꝑairof, &c.

Apr. 30.—Lettre to (SCHIR) JAMES SANDELANDIS OF CALDOR, kny^t^, Ratifiand ꝑe Licence gevin to him afore to paſs for ꝑe completing of his **Pilgrimage at Rome**: And ratifiand ſiclike ꝑe diſpoſitioune maid be him of his ſonis Mariage, &c.

May 2.—Reſpett to ANDRO GALBRAYTH OF CULCREUCHE and xlvj vꝑeris, for ꝑair treſonable cuming aganis ꝑe KING in array of **Batell beſide Linlithgw.**

May 14.—Refpett to JOHNE DAUIDSONE, burgefe of Edinburghe, for **halding furthe of James Erle of Arane at the Nethir-Bow** (**Port**, of EDINBURGH.)

Eo die.—Remiffion, WILLIAM LEVINGSTOUNE OF KILSYTHE, for his treafonably coming againft **John Duke of Albany**, THE KING'S TUTOR, and against the Royal authority, **at Rittcorshill, near Glasgow**, his Majefty's STANDARD being difplayed, &c. (*Apud Striuiling.*)

May 16.—Refpett to (SCHIR) WILLIAME SINCLARE OF ROSLING, kn^t and viij vperis, for pare **tresonable Remaning fra Sulway.**

May 18.—Refpet to HENRY CONGILTOUNE OF PAT ILK and xvij vperis, for art, part, and **Assistance** gevin be pame to **George Lord Yume**, &c. (*At Dalkeith.*)

May 20.—Remiffion to WILLIAM GRAHAM, MASTER OF MENTEITHE, for his treafonably **Abiding from the Army at Sulway**, &c. (*Apud Striuiling.*)

May 22.—Lettre to (SCHIR) JA MES HAMILTOUNE OF FYNNART, knicht, makand him **Capitane of the Castell of Dumbartane**, for ix ȝeris.

May 22 and 27.—Lettre to ANDRO LORD AVANDALE, in double forme, of pe **Reping of the Castell of Dunbartane**; ane of paim for pe fpace of nyne ȝeris, and ane vper for pe fpace of xix ȝeris.

May 23.—Refpett to WILLIAM BORTHUIK OF CRUKESTOUNE, for art and part of pe **Slauchter** of Vthred Kincaid.

May 25.—Refpett to WILLIAME CUNYNBURGHE OF SKOWLAG, for art and part of pe treafonable **Arraying of ane Field and Batell** agane pe KING, befide **Linlithquhow.**

May 28.—Refpet to ANDRO HERIOT OF TRABROUNE, and xiiij vperis, for pe famyn actioune, &c.

Eo die.—Refpet to WILLIAM DOUGLAS OF QUHITTINGHAME, and xiij vperis, for pe faid actioune, &c.

May 31.—Remiffion to JAMES RAMSAY OF COKPENNE, for treafonably **Intercommuning with George Lord Yume** and his accomplices.

Eo die.—Refpet to PATRIK HALIDAY, in pe Barony of Cambufnethane, for pe **tressonable Resetting** of vmq^le Thomas Hammiltoun, alias *Vnfanit:* For xix ȝeris.

Jun. 1.—Lettre to HECTOUR MAKGILLEON OF DOWARD, fone and air of vmq^le Lauchlane M. of Doward, chargeing pe SCHEREF OF INUERNES and his deputis and officiaris of pe King to command **Colpne Erle of Ergyle**, Sir Johne Campbell of Calder, kn^t, his broper, pair complicis, &c., pat pai mak na Oifting, Conuocationn of pe KINGIS liegis, or Invafioun apone pe faid Hectour, his kynne, freyndis, and feruandis.

Jun. 2.—Refpet to EDMOND RUTHIRFURDE OF AUCHINGORTHE, and Johne his fone, for pe **Rebising**[1] **of Helene Murray**, committit be pe fpace of viij ȝeris fyne: To endure for nyne ȝeris.

Jun. 15.—Refpet to ALEXANDER CAMPBELL OF BLAIRSKEITHE, for pe art, part, and affiftence gevin be him to JAMES ERLE OF ARANE and vmq^le JOHNE ERLE OF LENNAX, in **Arraying of Batell agane John Duke of Albany, &c.**

Aug. 14.—Refpet to JOHNE BANNATYNE OF CORHOUS, and lxiij vtheris, for pe Mutilatioune of Walter Weir, committit vpone fudandtie.

[1] Forcible abduction. Rape or Ravishing, in the modern acceptation, was then termed 'FORCEING.'

Nov. 28.—Remiſſion to WILLIAM BORTHUIK, in Johneſtoune, and ix others, for treaſonably **Intercommuning with and assisting** THE KING'S **Rebels, Thieves, and Traitors**, affording them meat and drink, &c.: For one year.

Eo die.—Remiſſion, THOMAS MASTER OF BORTHUIK, and ij others, for the ſame crimes.

Dec. 6.—Remiſſion to SIR WILLIAM SINCLAR OF ROSLING, kn^t, for treaſonably **Abiding from the Army at Sulway.**

Dec. 12.—Reſpet to ALEXANDER MURE, and four vþeris, for þair treſonable Remaning and **Byding fra the Oist and Army of Sulway:** For xix ȝeris.

Dec. 22.—Lettre to GILBERT ERLE OF CASSILLIS, of all his movable gudis pertening to þe KINGIS grace, as his eſchete, throw committing of **Wilfull Errour in the serving of ane Breiſſ**, purcheſt be Williame Cunynghame of Langlane, apone þe landis of Knokgulȝane, &c.

Feb. 3.—Remiſſion to GILBERT TURING OF FOVERNE, and xj others; Alex^r Leſlie, ſone of the Laird of Petnamwne, Thomas Reid of Colleſtoune, James Creichtoune of Frendraucht, and xxj others; Patrick Chene of Eſſilmont, and xv others; John Forbes of Petſlego, William Hay of Laiſk, and xiij others; Gilbert Dalgarno of Garnoſtonne, Gilbert Gray of Scheves; James Johnſtoune of that Ilk, George Gordoune of Geicht, and iiij others; Alexander Crag of Cragfintray, &c. &c., for **Abiding from the Armies at Sulway and Werk.** (*Apud Abirdene.*)

Feb. 7, 1527-8.—Remiſſion to THE PROVOST, Bailies, community, burgeſſes paying 'ſcot and lot,' and their ſervants, actually reſiding within THE BURGH OF ABIRDENE and burgh marches thereof, for their treaſonably **Abiding from the Armies of Sulway and Werk**, and other Raids. (*Apud Abirdene.*)

Mar. 31, 1528.—Remiſſion to ALEXANDER DRUMMOND, formerly of CARNOK, and Alex. D. his ſervant, for treaſonable **Assistance** given to **Archibald**, formerly **Earl of Angus**, his brother and uncle, &c.: AND for treaſonably **Revealing the King's secrets.**

May 26.—Reſpitt to ANDRO HEREIS, bruþer to WILLIAME LORD HEREIS, Andro Cotwart, William Carleill, and James Hereis, for þe treſſonabill **Raising of Fyre** within þe realme, **Birnyng of þe Peile of Knokschenoch: Slaughter** of vmq^le Patrik Hereis: And **Intercommonyng with Inglismen**, in tyme of Weir: For xix ȝeris.

Jul. 1.—Remiſſion to HUGH CAMPBELL (OF LOUDOUNE) SHERIFF OF ARE, and xxxij others, for their treaſonably coming againſt THE KING in '**Arrayit Battell**,' near the burgh of **Linlithqw**, on Sep. 3, 1526: AND for treaſonably **Abiding** from the King's **Armies at Sulway and Werk**: AND for art and part of the **Slaughter of Gilbert, Earl of Cassillis**[1] (*Apud Striuiling.*)

Eo die.—Remiſſion to JOHN CRAUFURD OF DRONGANE, George Campbell of Glaſnok, Dauid Cathcart of Douchray, and John Clerk, for the ſame crimes.

Oct. 12.—Remiſſion to WILLIAM COKBURNE and three others, for **treasonably Resetting and Intercommuning** with Patrick Cokburne of Newbiggin, his brothers and ſervants.

Eo die.—Remiſſion to ROBERT HAIG OF BEMERSYDE and John Atkinſoune, for their treaſonably **Besieging the Castle of Stirling and Palace of Linlithqw.**[2]

Eo die.—Remiſſion to GEORGE COWPAR, for the **treasonable Convocation** of the lieges with his Rebels and Traitors, and **the English**, riding through the kingdom of Scotland in hoſtile manner,

[1] See *Historie of the Kennedies*; Edin. Quarto, 1830. *Leslie, Balfour's Annals, Pinkerton*, &c. [2] See these Extracts, Jul. 31, 1536. Numerous other entries occur in other parts of this Collection.

and **Besieging the Castle of Striuiling and Palace of Linlithqw**, and Waging War against James Earl of Arran: And for **treasonably taking down the heads of Alexander Earl of Home, and Mr William Home, his brother, from the Tolbooth of the Burgh of Edinburgh**, &c.[1]

Oct. 28.—'Respitt and Saufgarde' to 'Schir Johne Campbell of Lundy, kn^t, Johne his fone and apperand air, Finlay C. of Corswell, Johnne M^cgilhauche his gudbruper,[2] &c., and pare men, tennentis, &c.,' because he was '**now to pass in our Ambassate** and seruice to pe partis of **Flanderis**.' (*At Sanct Androis.*)

Dec. 1.—Remission to Andrew Sibbald and Williame Robertsoune, for treasonably **Abiding** from the King's **Army for Besieging the Castle of Temptalloune**.

Dec. 28.—Respitt to Johnne Dunlop, for his treasonable art, parte, and **Assistance** gevin be him to **Archibald, sumtyme Erle of Angusc**, his broper and eme,[3] and pare complicis.

Jan. 4, 1528-9.—Remission to George Lord Seytoune and vj others, for their treasonably **abiding** from the King's **Army at Sulway**.

Mar. 3.—Remission to Sir Walter Scott of Branxhelme, kn^t, for his **treasonably breaking Ward from the Castle of Blakness**.

Mar. 8.—Remission to William Carmichaell of that Ilk and three others, for art, part, and **Assistance** given to **Archibald, late Earl of Angus**, his brother and uncle, &c.

Apr. 4, 1529.—Respitt to Hectour Makintosche, Capitane of Clanquhattane, and Alane Keire, for pe tresonable art, part, and **Assistance** gevin be pame to **Archibald, sumtyme Erle of Angus**, his broper, and eme, &c.

Apr. 6.—Remission to Patrick Hepburne, Master of Halis, for treasonable **Assistance given to George Lord Hume**, and Dauid Hume of Wedderburne, his brother, &c.

Eo die.—Remission to James Edingtoune, and x others, extracted from the Signature of Remission of Patrick Earl of Boithuile, for their **treasonably assisting George Lord Hume** and umq^le David Hume of Weddirburne, his brothers and accomplices, being the King's **Rebels**, and at his horn.

Eo die.—Precepts of Remissions were also granted to Mr William Broune, Tutour of Colstoune, and four others, and to George Fawside of that Ilk, for the same crime.

Apr. 7.—Remission to William Douglas of Quhittinghame and James D. his servant, for treasonably **Intercommuning**, resetting, and assisting **Archibald, late Earl of Angus**, George D. his brother, and Archibald their uncle.

Eo die.—Remission to Robert Lauder of Bass, and xj others, for the same crimes.

Eo die.—Remission to the Burgh of Dunbar, for the same crimes.

Apr. 8.—Remissions to John Lord Hay of Yester, and iiij others, and to William Hay of Tallo, for the above crimes.

Apr. 27.—Remission to Mr John Bannatyne and William Flemyng, his servant, for their treasonable **Assistance** given to **Archibald, formerly Earl of Angus**, George his brother, and Archibald his uncle, and their accomplices, &c. (*Apud Striuiling.*)

Jun. 3.—Remission to Patrick Hume, brother-german of Alexander Hume, Tutor of Weddirburne, for all crimes committed prior to this date, High Treason only excepted. (*Apud Hadingtoune.*)

[1] See these Extracts, Oct. 27, 1516, *Note.* [2] Brother-in-law. [3] Uncle.

Eo die.—Reſpitt to JAMES LORD OGILUY OF ERLIE and xxxiij vper perſonis, for art and part of þe **Slauchter** of vmq^le Dauid Skeppar: For xix ȝeris.

Jun. 11.—Reſpitt to HEW KENNEDY OF GIRVANEMANYIS, for his treaſonable art, parte, and aſſiſtance gevin be him to **Archibald**, ſumtyme **Erle of Anguse**, his eme and broper, and þare complicis: To indure for þe ſpace of five ȝeris; ſwa þat[1] þe ſaid Hew **pas in Fraunce**, within twa monethis, and þare remane at his grace pleſour. (*At Jedburghe.*)

Jun. 12.—Reſpitt to JOHNE MAILUILE, Robert Clerk, and Schir Thomas Thomſoune, for art and part of þe **Slauchteris** of vmq^le **Johnne Wallanche**[2] **of Pettedy**, Andro Traill, and Alexander Wemys; committit vpoune **auld freid** and foirthocht felony: For xix ȝeris. (*At Jedburghe.*)

Jun. 22.—Reſpett to MATHEW HAMMILTOUNE, ſone to Robert H. in Mylneburne, and Duncane Dundaſs, bruþer-germane to James D. of Newliſtoune, for art and part of þe **Slauchter** of vmq^le **Adam Nisbet of that Ilk**, &c.

Aug. 5.—Reſpitt to JAMES GRANT OF FREUCHY, his kynniſmen and feruandis being in his cumpany; to þat effect, þat he may cum to OUR SOUERANE LORD, and commoun with him and his THESAURER, and **mak waís for outred and payment of his laderis dettis**, and ſovmes of money quhilkis he reſtit awand to our ſouerane lord: For þe ſpace of twa monethis nixt eftir his cuming. (*At Striuiling.*)

Sept. 20.—Letter of Licence to DAME JONET DOUGLAS LADY GLAMMIS,[3] and PATRICK CHARTERIS OF CUTHILGURDY **to pass to the pairtis bezond sey, in their Pilgramage**, and vtheris leiffull beſynes, &c.

Oct. 28.—Letter conſtituting ARCHIBALD EARL OF ERGYLE **Justice General, within the whole realm of Scotland**, and **Master of the King's Houſehold**; for life. (*Apud Drumfreiſe.*)

Oct. 30.—Remiſſion to NINIAN CREICHTOUNE OF BELLEBOCHT, for treaſonably **Abiding from the Army at Sulway**; and for all other crimes, Treaſon, &c., committed within one year laſt paſt being only excepted. (*Apud Drumfreiſe.*)

Nov. 6.—Reſpitt to JOHNE GRAHAME, within þe ſcherefdome of Lanark, for þe **Slauchter** of vmq^le **James Lebingstoune of Belstane**: To indure vnto þe xxv day of December nixt to cum.

Nov. 8.—Remiſſion to SYMON JOHNESTOUNE OF POWDENE, **for all crimes before this date**, Treaſon, &c. excepted. (*Apud Drumfreiſe.*)

Nov. 12.—Remiſſion to JAMES GORDOUNE OF LOCHINVER, and xxxix others, for the cruel **Slaughter of Thomas Makclellane of Bombr.**[4] (*Apud Quhithorne.*)

Dec. 1.—Remiſſion to HENRY M^cCULLOCHE OF KILASERE, for the **Slaughter** of Andrew M^ccalloune: AND for treſonably **abiding from the Army of Tamtalloun**, &c. (*Apud Wigtoune.*)

Dec. 6.—Remiſſion to HERBERT MURRAY, uncle of the Laird of Brochtoun, for **Abiding from the Army of Tamtalloun**. (*Apud Wigtoune.*)

Jan. 11, 1529-30.—Precept of Remiſſion to PATRICK CULQUHONE, ſon of Robert C. of Camſtredane, for the **Slaughter** of Duncan McAleſter McGibboune, &c.

Jan 12.—Reſpitt to JAMES EDMONSTOUNE OF DUNTREITHE, and ix vperis, for **Abiding from the Oist and Army of Temptalloune**, &c.

[1] Provided; or, on condition that. [2] Vallance. [3] See her Trial, Jul. 17, 1537, I, 187, &c. [4] Bomby. See these Extracts, Jun. 25, 1526, and other parts of this Collection.

Feb. 2.—Respitt to ALLANE STEWART in Kirktoune, and xlij yeris, for pare tresonable **Remanyng fra the Oist of Sulway**,[1] &c.: For pe space of xj ȝeris to indure. (*At Glasgw.*)

Feb. 21.—Respitt to JAMES GRANT OF FREUCHY, and JOHNE M^cKINZE OF KINTALE, makand mentioune, pat pe saidis James and Johnne ar to cum to pe burghe of Edinburghe, or to ony burghe or part of pe realme, quhar it sall happin our souerane lord to be for pe tyme, and pare to solist and expeid with his hienes and his Thesaurer, pair lefull erandes and besynes: And pairfor his grace Respittis pe saidis James and Johne **for all manner of actionis** committit or done be pame in ony tyme begane, vnto pe day of pe dait heirof, and till indure vnto pe saidis persones returnyng to pare cuntré, and x dayis paireftir. (*At Striuiling.*)

Feb. 24.—Respitt to HECTOUR M^cCLANE OF DOWART, his kyn, freindis, &c. to pe novmer of fourty personis, **for all manner of actionis**, alswele Tressoune as vperis crymes, quhill pe xxv day of May next to cum, to commoune with ws (THE KING). 'This Respitt havand strenthe fra pe day of pe said Hectouris furthcuming of his Howse of Dowart, cummand agaitwartis to pe KINGIS grace, quhill pe said xx day of Maij.'[2] (*At Dundé.*)

Apr. 8, 1530.—Licence to WILLIAM ABBOT of our Abbay of CORSRAGWELL, Commendatare of Halywode, and Tutour to GILBERT ERLE OF CASSILLIS, his CHEIF, to pass in France and vper partis beȝond sey, to do his **Pilgramage**, &c.; and granting a Respite and Saufgarde to him, his kyn, freudis, men, tenentis, &c.

May 22.—Respitt to THOMAS MAKCLELLANE OF GILSTOUNE, and xj vperis, for pare treasonable remanyng, and at hame biding fra pe Oist and **Army of Sowlway**: AND for pe **Slauchter** of vmq^le George Langmuir: For xix ȝeris.

Jun. 12.—Respitt to MALCOME FORBES in Bulquhame, Johne his sone, and Johnne Andersoune, for pare **Intercommouyng** and assisting with George Keyth, our souerane lordis **Rebell**: For xix ȝeris. (*At Scone.*)

Jul. 8.—Lettre maid to ROBERT LORD MAXWELL, his airis and assignais, ane or ma, of pe GIFT of all gudis movabill and vnmovabill, dettis, takkis, obligationis, sovmes of money, giftes of nonentres and vperis quhatsumeuer, quhilkis pertenit to vmquhill **Johnne Armstraug**,[3] bruper to THOMAS ARMSTRANG OF MAYNGERTOUNE, and now pertenyng to our souerane lord, be resoune of eschete, **throw Justifying of the said vmquhile Johnne to the deid for Thift**, committit be him, &c.' (*At Preistishauche, per Signaturam* REGIS *et Thesaurarij subscript.*)

Aug. 2.—Respitt to GEORGE NESBETT OF DALȜELL for pe tressonabill art, part, and **Assistance** gevin be him to **Archibald**, sum tyme **Erle of Angus**, his bruper and eme, &c.: For xix ȝeris. (*At Striuiling.*)

Oct. 7.—Lettre to all and findry pe personis, men and wemen, INHABITANTIS OF LIDDISDALE, gevand paime fre liberte, protectioune, faculté and **fredome to pass and repare to all Mercatis**, &c. and alse full Licence and fredome to brouk and joifs peceabilly all and findry pare auld heretage, &c. pai plesand pe Lordis of pe ground, for pe saidis stedingis and rovmis, as efferis. (*At Dundé.*)

Oct. 9.—Remission to THE INHABITANTS OF LIDDISDALE, for whom PATRICK EARL OF BOITHUILE gave his Bond and security to exhibit, excepting GEORGE SCOT OF BOG and his accomplices of Crammald, **Fire-raisers**, for their treasonable deeds, and **Conspiracies** against the royall authority, for **inbringing of Rebels of Scotland and Englishmen** within the realme, &c. (*Apud Dundé.*)

[1] A great number respited, at this time, for the same offence. [2] These words are added to the Respite, which is engrossed in the Record at full length. [3] The redoubted JOHNNE ARMSTRANG. See Notice regarding him I, * 152.

Oct. 10.—Remiſſion to JOHN MASTER OF FORBES and four others, for their treaſonably Abiding from THE KING'S **Army at Sulway and Werk:** And for the **Slaughter of Alexander Seytoune of Meldrum,** &c.[1] (*Apud Dundé.*)

Dec. 1.—Letter to MALCOLM LORD FLEMYNG, conſtituting him and his heirs **Sheriffs-principal of Tweddale and Peblis.** (*Apud Perthe.*)

Dec. 9.—Remiſſion to ALEXANDER GRAY OF BALLEGARNO, and Robert Gray in Bowhouſe, for art and part of the cruel **Mutilation** of David Cramby, junior: AND for **Invaſion** of the ſaid Dauid, and Dauid his father, violently dragging them out of their houſe, under ſilence of night: AND for **common Oppreſſion,** &c. (*Apud Perthe.*)

Jan. 4, 1530-1.—Lettre to TORKILL (TORQUILL) MAKNELE, **Cheif and principale of the Clan and Sirname of Maknelis,** of þe GIFT of þe malis, fermes, proffittis, and dewiteis of all and ſindry þe landis þat pertenit to vmq^le GILLECALLUM M^cNELE OF GAEYA, liand within þe Sherefdome of Terbert; with the Nonentry and Relief, &c.

Jan. 21.—Remiſſion to JOHN STRATHAUCHIN, ſon and heir apparent of Thomas S. of Lenturk, for art and part of the cruel **Slaughter of Alexander Seytoune of Meldrum** and JOHN KING, ſon and heir apparent of William King of Bourty: AND for art and part of the **Beſieging of the Caſtle of Kildrummy, 'Hereſchip,'** and **'Spuilzie'** of goods, and **Slaughter** committed at the time of the ſaid Siege.

Apr. 28, 1531.—Lettre to MATHEW ERLE OF LEVINAX, his airis and aſſignais, makand þame **Capitanis of the Caſtell,** ſtrenthe, and fortalice of **Dunbertane,** for xix ȝeris, begynnand at þe feiſt of Witſonday, in þe ȝere 1531, &c.

Jun. 7.—Reſpitt to JOHNNE BOYD, Chalmer-child[2] to Archibald Douglas, and John Boyd, ſon to Gilbert Boyd, for þe treſonable art, part, and **Aſſiſtance** gevin be þame to **Archibald** ſumtyme **Erle of Angus,** George Douglas his broþer, and þe ſaid Archibald his eme,[3] &c. (*At Striuiling.*)

Jun. 8.—Remiſſion to ALEXANDER JOHN-CANICHISSONE of DUNNEVAIG and GLYNNIS, and three others, for their treaſonable **Fire-raiſing and Burning** the houſes of the lands of **Rosneithe, Leuenay, Craginche,** and ſundry others within the realm, with **Burnings, Slaughters,** and **Hereſchips** of the lieges, Inhabitants thereof: And for **High Treason,** &c. to this date.[4]

Eo die.—Remiſſion to HECTOR MAKCLANE OF DOWARD, and . . . . . others for the ſame crimes.

Jul. 1.—Lettre to GAWYNE HAMMILTOUNE and his airis, &c. of þe GIFT of all gudis movabill and vnmovabill, dettis, takkis, Obligationnis, gold, ſilver, ſovmes of money, &c. quhilkis pertenit to JONET LADY GLAMMIS, and now pertening or onywife ſall happin or may pertene to our ſouerane lord be reſoune of Eſchete, throw hir being fugitive fra þe law, and at þe horne, or conuict for **Intercommonyng with our ſouerane lordis Rebellis,** or for ony vþir crymes, &c.[5]

Oct. 12.—Reſpitt to HECTOR M^cCLANE OF DOWALD[6] (Dowart,) and to als mony as beis with him in cumpany to þe novmer of xl perſonis, or within, fauſlie to cum to our ſouerane Lord and þe LORDIS OF COUNSALE **for making of guid wayis aneut the reule of the cuntre,** &c.: For lx dais nixt to cum efter þe day of þe dait heirof.

Feb. 11, 1531-2.—Reſpitt to DONALD M^cALEXANDER M^cMURQUHE, and xv vþiris, being

[1] See his Trial for High Treason, &c. I, * 183, &c. He confessed his guilt of the Laird of Meldrum's Slaughter on the Scaffold. [2] Page, or groom of the chamber. [3] Uncle. [4] See *Mr Gregory's* Work on THE ISLES.
[5] See I, * 187, &c. [6] Dec. 8, 1531. Another Respite for him, 'and sa mony of his kin, &c. as he plesis to bring with him, &c. for to commoune and treit apoune sic materis as concernys ye weile of ye realme, and pacyfying ye samyne:' For xl days.

in cumpany with Rory McKinze at þe **Slauchter** of vmq^le . . . . . **Dingvale of Kildun**, committit be him: And **Spulze** and away-taking of þe faid Williamis gudis and geir at þe tyme of þe committing of þe faid Slauchter: And for art and part þairof and the faid Spulȝe: And for all actiouns, &c. befor þe cuming of þe faid Rory to our fouerane Lordis feruice, þat is to fay in the ȝeire of God I^m.V^c.xxvij: For xix ȝeris to indure.

Sep. 1, 1532.—Remiffion to John Hume of Blacater, John Neſbett in Spittale, Hector Furd, and John Focart, fenior, his fervants, for their treafonably **Intercommuning**, &c. with **Archibald, formerly Earl of Angus**, his brother and uncle, and their accomplices, &c.: And alfo for Intercommuning with and affifting our enemies **the English**, &c.: Provided that the faid John comes to the King, along with Alexander his brother, and purges himfelf of the **Slaughter of David Falronar**; and fhews to the King, fo far as he knows, who were the flayers of the faid David. (*Apud Falkland.*)

Oct. 12.—Lettre of Exemptioune to Johnne Bannatyne, Clerk and Writar to our fouerane lordis Signet, **fra all passing to ony our Oistis, Weiris**, congregatiounes, and affembleis, and fra all walking, warding, waching, paying of taxtis, or extentis, within our burghe of Edinburghe or vtuith[1] in tyme cuming, during all his liftyme, &c.—he being 'now of gret age, feiklie and corpolent in his perfoune, and hes fuftenit and as ȝit fuftenis diuerfe infirmiteis in his leggis and vþer pairtis of his body, cumin of cauld throw his ythand[2] and deligent lawbouris maid in our feruice in our **Justice-airis** haldin in tyme of winter,' &c.

Dec. 15.—Refpitt maid to James Stewart of Cragyhall, and ij feruandis, for þare **tresonabill Intercommuning** and affiftance gevin to our fouerane lordis **Rebellis**, &c. For xix ȝeris. (*At Linlithqw.*)

Jan. 9, 1532-3.—Refpitt to Thomas Donaldsoune M^ckinȝe, and v vþeris, for **commoune Theft**, outputting and inputting: And for art and part of þe thiftus **Steling and concelling** fra George Erle of Huntlie **of certane wyld horsis and merys** furth of þe landis of Bra of Mar (Braemar.)

Mar. 17.—Remiffion to Archibald Earl of Argyle, and lxxxxij others, for their **treasonable Fire-raising, with his Standard unfurled**, in the **Islands of Mule, Teyre** (Tyree), and **Morverne**: The King and his Council having difpenfed with the general Act, on condition of the Earl fatisfying the kin of Donald Ballo M^cauchin, Donald Crum M^ccownane, and Farquhar McSevir, and others having lawful claims.[3] (*Apud Melrose.*)

Mar. 21.—Refpitt to Alane M^cclane, fone to vmq^le Lauchlane M^cgillane of Doward, for þe **tresonabill Rasing of Fyre** and Birnyng of Houffis in **the Ile of Mull**: And þe **Slauchter** of Johnne M^cgillane, fone to Johnne M. of Lochboy, and vþeris: For xix ȝeris to indure.

Aug. 4, 1534.—Remiffion to James Hammyltoun of Stanehous, for his treafonably coming 'in feir of weir,' with banners unfurled, at **Kittcorshill, against John Duke of Albany**, Governor of the realm: And for all other crimes, (excepting Treafon, &c. Intercommuning with Archibald Earl of Angus and his accomplices, and affifting James Hammyltoun, the flayer of Thomas Flegeare; common Oppreffion and Brigancy, and deftroying the Woods within the lordfhip of Dowglas, &c.) (*Apud Lanark.*)

Dec. 5.—Remiffion to John Grant of Culcabok for certain actions committed by him, (High Treafon, Slaughter, and Mutilation, after the making of the Act, and affiftance given to Hector Makintofche and his accomplices, being alone excepted.) (*Apud Elgin.*)

[1] Outwith. [2] *Eident;* constant, unremitting. [3] See *Mr Gregory's* History of the Isles.

Jul. 10, 1535.—Reſpitt to JOHNE CHARTURIS, ſone to vmq^le Johne C. of Cuthilgurdy, **for all crimes**, Treſoun in þe KINGIS perſoune alanerly except; and to indure for v ȝeris: Providing allwais, þat þe ſaid Johnne **remane furth of this realme and the realme of Ingland**, &c. (*At Striueling.*)

Jul. 26.—Reſpitt to DONALD M^cKY and to all perſonis INHABITARIS of þe Landis of STRATHNAVERNE, Athir, Auchquhilis, and Ardurenis, within þe ſcherefdome of Inuernys, **for all actionis, crymes**, &c. Treſoune in oure ſouerane lordis perſoune alanerlie except: For our ſouerane lordis will to iudure.

Jul. 28.—Remiſſion to JAMES GRANT OF FREUCHY, and iiij others, for their treaſonably **Abiding from the Armies at Sulway and Werk.** (*Apud Striuiling.*)

Sep. 6.—Precept of a Charter to DAUID ARMSTRANG,[1] ſon of Herbert, *alias Habye* Armſtrang, of the v merk lands of old extent of Park, lying in **Ewisdaile**, and ſhire of Drumfreiſe; proceeding upon the perſonal reſignation of **Robert Lord Maxwell.** (*Apud Crammald.*)

Oct. 29.—Remiſſion to ROBERT GRAHAME OF THORNOK, Adam Grahame his brother, and Herbert Corry, for art and part of the cruel **Slaughter** of George Kirkpatrik, committed on forethought felony. (*Apud Striuiling.*)

Nov. 28.—Remiſſion to WILLIAM KIRKPATRIK OF KIRKMICHAELL[2] for **Intercommuning** with Sir Alexander K. of K., kn^t, his father, and his accomplices, **Rebels**, &c. (*Apud Drumfreiſe.*)

Dec. 2.—Remiſſion to THOMAS KIRKPATRIK OF CLOISBURNE for **Intercommuning with Rebels**, &c. (*Apud Drumfreiſe.*)

Eo die.—Lettre of Gift to WILLIAME LORD RUTHVENE of all guidis movabill and vnmovabill, &c. quhilkis pertenit to **George Gorthy** of þat Ilk, and to Sir William Stoby, Chaplane of Gorthy, **Eschete** throw being of þe ſaidis perſonis fugityve fra þe law, and at þe horne for þe **Slaughter of Robert Murray of Newraw**, &c.

Dec. 6.—Remiſſion to JOHN GREIRSOUNE OF LAG for treaſonably **Abiding from the Army at Sulway.** (*Apud Drumfreiſe.*)

Eo die.—Remiſſion to THOMAS FERGUSSOUNE OF CRAGDARROCH, **for all crimes committed prior to this date**, &c.

Mar. 1, 1535-6.—Reſpitt to JOHNE, THOMAS, and JAMES CRANSTOUNE, breþer, for art and part of þe **Slaughter of Andro Reidpeth of Deringtoune**: For xix ȝeris. (*At Sanctandroſe.*)

Mar. 3.—Precept of Remiſſion to THOMAS FOTHERINGHAME OF POWRY for art and part of the **Slaughter** of Walter F., &c. (*Apud Falkland.*)

Mar. 11.—Lettre to GEORGE ERLE OF HUNTLIE, his airis and aſſignais, of þe Gift of all gudis, movabill and vnmovabill, cornis, catale, &c. gold and ſiluer, cunȝeit and vncunȝeit, jowallis, and vþeris quhatſumeuir quhilkis pertenit to **Johne Forbes of Petslego**, Alexander F. of Kynnaldy, his ſone and apparand air, Johne F., Williame F., Alexander F. of Dalmannoche, Johne his bruþer, Alexander, ſone of David F., Patrik, ſone to Johne F., Johne, ſone to George F., Andro Schand in Tormare, Johne Cawdale, ſone and apperand air to James C. of Aſlovne, John Farare, ſervand to þe Lard of Petſlego, Duncane his ſone, Thomas and Johne Hoggis, and Alexander Makferſane, now pertenyng to our ſoverane lord as his eſchete, throw being of þe ſaidis perſonis his Rebellis, and at his horne, as fugitiue fra his lawes, for art and part of þe cruell **Mutilatioune, Hurting, and Wound-**

[1] See Notice relative to *Johnnie Armstrang*, I, * 152; and also the Gift of his Escheat, I, * 245. [2] James Kirkpatrick and xxj others got another Remission for the same crime.

ing of Michaell Frafer and Johne Frafer, vpoune auld ffeid and forthocht felony: And als, of þe Gift of þe vnlawis, in þe quhilkis **Johne Maister of Forbes** wes adiugit for nonentre of þe faid Johne F. of Petflego, and þe faid Johne for nonentré of þe faid Alexander his fone, and þe vþaris perfonis, Rebellis forfaidis, and of Johne Schand, feruand to Andro Schand, Sr Gilbert Hunter, Chaplane, and diuerfe vþeris perfonis: And als, of þe Gift of diuerfe vþeris vnlawis efchetis, panis of Lawborrowis, and fovmes of money, as at lenth is contenit in þe faid Lettre. (*At Striuiling.*) 'Compofitio iiijst (4000) merkis.'

Apr. 5.—Remiffion to Thomas Fairbarne in Gordoune myll, Alexander his brother, and Cuthbert Cranftoune in Manys, for art and part of the **Slaughter of Andrew Reidpeth of Girnlaw**, &c. (*Apud Striuiling.*)

Apr. 11.—Remiffion to George Earl of Rothiesse, James and John Lefley, brothers, Andrew Balfowre of Montquhanny, William Lefley Captain of Rotheffe, Robert Lefley of Kynnard, James and William Lefley in Hechame, brothers, Robert Arnot of Wodmylne, Walter Paterfoun of Drummure, Patrick Balfowre in Denmylne, and forty-four others, for treafonably **abiding from the Armies of Werk and Temptalloune**, &c.: And alfo, difcharging them and their cautioners of all pains and amerciaments for **not appearing** before the Jufticiars **at the Monastery of Lundoris and Reidinche**, near the fame, committed on May 17, 1532. (*Apud Falkland.*)

Apr. 19.—Refpitt to William Johnestoune in Fouldurris, and vij vþeris, for þare trefonable Rafing of Fyre within þe realme, and Birnyng of þe Toune of Kirkmaquho. For xix ȝeris, and forder for our fouerane lordis will to indure. (*Apud Striuiling.*)

Apr. 23.—Remiffion to William Cokburne of Scarling, for treafonably **Assisting David Hume of Wedderburne**, &c. (*Apud Striuiling.*)

Apr. 25.—Gift to Schir Patrick Hepburne of Wauchtoune, knycht, of all gudis, movable and vnmovable, &c. quhilkis pertenit to him of befor, and now to the King, be reffoun of efcheit throu his being **Convict be an Assise**, Jan. xxiiij laft bipaft, of certane crymes committit vpon James Sinclare, bruder to þe Lard of Rofling, and his complicis being with him. (*At Falkland.*)

May 6.—Remiffion to John Ross of Cragy, and ix others, for treafonably **Abiding from the Army at Sulway**, &c. (*Apud Striuiling.*)

May 9.—Remiffion to Patrick Hepburne of Wauchtoune, knt, Patrick his fon and heir apparent, Williame H. of Eft Crag, John H. of Weft Fortoune, Patrick Quhitlaw of that Ilk, John Carkettill of Finglenne, and fifty-feven others, for art and part of the treafonable **Intercommuning**, Refetting, &c. and affifting **David Hume of Weddirburne**, and his accomplices, the King's Rebels, &c. (*Apud Striueling.*)

May 20.—Refpitt to George Elphinstoune, fon and apperand air to Johne Elphinftoune of Hinderftoune, and Thomas E. his bruþer, for art and part vpoune forthocht felloune of þe cruell **Slaughter** of vmqle Thomas Mure; committit be þame in þe **Auld-toune of Abirdene**. For xix ȝeris. (*At Striueling.*)

Jul. 16.—Remiffion to Margaret Lady Sinclair, and xj others, for their treafonably **Abiding from the Army at Temptalloune**: And for Ufurping the King's authority, **Convocation** of the lieges, **common Oppression**, &c. (*Apud Falkland.*)

Jul. 20.—Remiffion to James Tuedy, fon and heir apparent of John T. of Drummelȝeare, and xv others, for treafonably **Assisting David Hume of Wedderburne**, his brothers and accom-

plices: And for the **Slaughter of John Lord Flemyng**, committed upon forethought felony. (*Apud Pittinweme.*)

Jul. 23.—Remiſſion to Andrew Wod of Largo, John and Robert his brothers, Andrew and Thomas Wod, ſons of Andrew Wod in Pittinweme, Andrew Wod his ſervant, Alexander Spenſe of Lathallane, John Lundy of Stratharlie, James his brother, and twelve others, **for all actions**, &c. prior to this date, High Treaſon excepted. (*Apud Pittinweme.*)

Aug. 15.—Remiſſion (Schir) Johne Mailuil of Raithe, kn^t, James Kirkcaldy of Grange, Williame Berclay of Touche, John Mailuil of Weſtir Touche, John and Patrick K., brothers of the Laird of Grange, and eight others, **for all crimes**, excepting Treaſon, &c. prior to this date. (*Apud Striuiling.*)

Aug. 28.—Lettre of Gift to Dauid Armstrang, callit þe *Lady*, Andro A., ſone and are of vmq^le Symon A. of Quhitehauche, and to Mertyne A., bruþer to the ſaid Dauid, þare airis and aſſignais, of all gudis, movabill and vnmovabill, dettis, &c. quhilkis pertenit to þe ſaid vmq^le Symon, and now to our ſoverane lord be reſoune of **Escheite**, throw **juſtiſying** of þe ſaid vmq^le Symon **to the deid** for crymes committit be him. (*At Striuiling.*)

Sep. 1.—Reſpitt to Alexander Foreſter, ſone of Johne Foreſter of þe Newtoune, for art and part of þe imput[1] cruell **Slauchter** of vmq^le Andro Leirmouthit, citinar of Sanctandroſe: For xix ȝeris. (*At Abbottiſhall.*)

Jan. 28, 1536-7.—Reſpitt to Lancelot Gray, for art and part of þe cruell **Slauchter** of vmq^le Adam Purdy, ſaidlaire, burges of Edinburghe: And of **Dismembering** of William Purdy, his bruþer, of his rycht ee; and **ſpoliatioune** of his ſuerd; committit and done apoune ſuddante, &c.: For ix ȝeris. (*At Pariſe, per Signaturam manu* Regis *ſubſcript.*)

Apr. 28, 1537.—Remiſſion to Andrew Muncur of Slanis, Alexander his brother, and Andrew their baſtard brother, Robert Mailuile of Hervistoune, and three others, for art and part of the cruel **Slaughter of John Drimme**. (*Apud Montevele.*)[2]

Jun. 6.—Reſpitt to Johne Vause of Many, and Maiſter Johne Gordoune, for art and part of þe **Slauchter** of James Lioune: And **Mutilatioune** of Alexander Ruthirfurd, ane of þe **Baillies of Abirdene** for þe tyme, Maiſter Eduerd Menzies, and William Turnbull: And **Deforcing** of þe **Provest and Baillies** þairof in executioune of þare office, in chargeing of þe ſaid Johne to pas to þe Tolbuthe of þe ſaid Burghe, for trublance done be him: And for **commoune Oppressioune** done be him and þe ſaidis Maiſter Johne, Alexander (Knowis) and Williame (Gordoune), vpoune our ſouerane lordis liegis, &c. For ſex monethis to indure.

Jul. 15.—Reſpitt maid to Jonett Pyott, þe ſpouſe of Williame Sinclare in þe Myreſyde, for art and part of þe **Slauchter** of vmq^le **Maiſter George Lindesay**: And of þe **Mutilatioune** of Patrik L., committit vpoune forthocht felony, and paſſing away with þe committaris þairof with þe bludy hand. For xix ȝeris.

Nov. 7.—Reſpitt to Robert Lauder of Bass, and v vþeris, for þe **treſonabill Intercommouning with Inglismen**, in tyme of Weir, &c. For xix ȝeris. (*At Striuiling,* 'v^c merkis.')

Nov. 12.—Lettre of Gift to Archibald Erle of Argile, his airis and aſſignais, ane or ma of all þe gudis, movabill and vnmovabill, dettis, &c. quhilkis pertenit to Charlis Campbell of Bargour, and now to our ſouerane lord, be reſoune of **Escheite**, throw being of þe ſaid Charles fugitive fra þe law and at þe horne, or convict for art and part of þe **Slauchter** of vmq^le **Alane Hammyltoune of Bardowy**, Robert Striueling in Cadder, and **Andro Striueling of Banker**. (*At Linlithgw,* 'ij^c li.')

[1] Imputed, alleged.

[2] Probably *Montivilliars*, a town in the department of Lower Seine, France.

Dec. 9.—Remiſſion to JOHN VAUSE OF MANY, **for all actions**, &c. committed by him prior to this date, Treaſon, &c. only being excepted. (*Apud Falkland.*)

Dec. 12.—Lettre of Gift to ROBERT MAISTER OF MAXWELL, his airis, &c. of all takkis, ſtedingis, and wodſettis, within þe Ouer parrochin of Ewis, quhilkis pertenit to vmq^le **Symon Armſtrang of Quhithauch, juſtiſyit** for certane crymes committit be him. (*At Linlithqw.*)

Dec. 18.—Lettre of Gift to (SCHIR) JOHNNE STRIUELING OF þE KEIR, knycht, his airis, &c. of all þe gudis movabill, dettis, &c. takkis, ſtedingis, cornis, catale, &c. quhilkis pertenit to vmq^le COLIN CAMPBELL OF AUCHINHOWIE, **juſtiſyit** for art and part of þe Cruell **Slauchteris** of vmq^le **Alane Wammyltoune of Bardowie, Robert Striueling of the Lettir**, and Andro S. in Ballindroicht, and being at þe horne for þe ſaidis Slauchteris, (excepand þe cornis, catale, and gudis intromettit with be JOHNE LORD ERSKIN, Schereff of Striueling, for our ſouerane lordis vſe.)

Dec. 29.—Letter of Gift to JONET LOGANE, relict of vmq^le JOHNNE WALLACE OF CRAGY, in conſideratioun þat ſcho is of oure kin and blude, and hes nocht to leif vpounne, howbeit ſcho wes dotit ſubſtantioullie be vmq^le our derreſt fader of gude mynd, quham God aſſoilze, be payment of large ſowmes of money for hir tocher: thairfoir ſeing now þat þe landis and **lordſchip of Cragy** ar fallin in oure handis be reſſoune of **Warde**, We, willing þat þe ſaid Jonet be nocht alluterlie deſtitute of hir leving, hes gevin, &c. þe ſowme of fourty merkis of **Penſioune** ȝeirlie, &c. (*At Linlithqw.*)

Jan 6, 1537-8.—Reſpitt to ROBERT and JOK HAMMYLTOUNE, for art and part of þe **Slauchter of Johne Campbell of Pokortour**: For xix zeris. (*At Linlithqw.*)

Mar. 23.—Lettre of Gift to THOMAS KENNEDY, ſone and apperand are to Alex. K. of Bargany, his aires, &c. of all gudis, movabill and vnmovabill, dettis, &c. quhilkis pertenit to vmq^le James Kennedy in þe Schallauch of Glentig, and now Eſchete, becauſe he, and Neil Boyd his ſeruand, vpoune þe . . . day of Marche inſtant, vpoune **auld ffeid** and forthocht feloune, cruelly **ſlew** vmq^le Patrik M^cilivrik at Cragneil, and for **breking** of our ſouerane lord his **ffenſsis and arrestis**, and for **Deforceing of his Officiaris**, &c.

Mar. 27, 1538.—Reſpitt to ROBERT and JOHNE RAMSAY, for þare treſonabill **conceling of the treſonabill wordis and langage herd ſpoken** be þame be NYCHOLACE RAMSAY OF DALHOUSSY of þE KINGIS grace: AND for **Reſetting**, ſuppleing, and intercommonyng with his **Rebellis**, &c. For xix ȝeris.

May 8.—Lettre to ROBERT LORD MAXWELL, Grete Admirall, makand mentioune, þat his hienes hes direct him to þe pairtis of FRANCE, for þe **ſure conboying and accumpanying of his derreſt fallow the Quene to this his realme** fra þe ſaid realme of FRANCE; that þairfore his hienes, willing þat his ſaid couſing, nor nane vþir Capitane, gentilman, ſkipper, warmanne, or maryner, and all vþir perſonis paſſand in his cumpany in his ſernice, incur ony damnage, hurt, or ſkaith þairby, Will and Grantis, and of his autorite ryal and kinglie power, for him and his ſucceſſouris, perpetuallie confirmis, That giff it happinnis his ſaid couſing, or ony of þe ſaidis perſonis paſſing in his cumpany, to deces, or he ſlane ony maner of way, in þat cayce he gevis frelie to þame, and euery of þame, þare Wardis, relevis, and marriages, to þe vtilite and weile of þare airis, to be applyit to þe behufe of þare airis and þare barnis, &c. (*At Leyth.*)

Jul. 23.—Reſpitt to JAMES FORSYTHE OF NYDE, for art and part of þe **Slauchter** of vmq^le Thomas Sandfurd: For xv dais to indure; providing þat þe ſaid James **pass furth of the realme** within xv dais nixt eftir he be chargit þairto: and nocht to returne agane within þe ſammyn, quhill he obtene his gracis Licence þairupoune.

Sep. 13.—Precept of Legitimation to MURDOCH M^cGILLEOUNE and CHARLES M. natural ſons of **Johne Macgilleoune of Lochboy.** (*Apud Linlithqw.*)

Oct. 13.—Letters of Rehabilitation to RICHART ROLLOK, burges of Dunde, dilatit of certane poyntis of **Weresy**, and **Abiurit and Conuict** þairof, reſtoring, reponing, and reintegrating him to his gude fame, heretage, gudis, and wardlé[1] honouris, without reproche, murmur, detractioune, blaſphematioune to be maid or done þairthrow to him, in word or deid, be ony maner of way, in tyme cuming. (*At Abirbrothok.*)

Oct. 31.—Remiſſion to THOMAS LICHTOUNE OF VLLISHAVIN, for the **Slaughter** of Andrew Tait, &c. (*Apud Falkland.*)

Dec. 13.—Remiſſion to THOMAS TURNBULL OF RAWFLAT, for art and part of the **Oppression done to William Scott of Vassindane**, in breaking up a box belonging to the ſaid William, in the houſe of Mr Nicholas Ruthirfurd, within the burgh of Edinburgh, and for theftuouſly abſtracting therefrom two Letters of Reverſion of the lands of Coppitrig, with an inſtrument, belonging to his wife.

Dec. 23.—Reſpitt to WILLIAME CUNYNGHAME OF AKINBAR, **for all actionis** done be him befor þe dait heirof, Treſoune, &c. except: For xix ȝeris.

Jan. 13, 1538-9.—Remiſſion to JAMES GORDOUNE OF LOCHINVER, William G. of Crauchlew, Andrew Agnew Sheriff of Wigtoune, George M^cculloche of Torhouſe, Dauid Gordoune, John G. called *Johne of Quhithorne*, William Carnis young Laird of Orchardtoune, and twelve others, for art and part of the **Slaughter of Thomas MacClellane of Bomby**, committed eleven years laſtbypaſt, in the burgh of Edinburgh, &c.

Jan. 24.—Precept of a Charter of Confirmation by JAMES V, of a Feu Charter granted by Robert Abbot of Holyrood, to OLIUER SINCLARE OF PITCARNIS, and Katherine Bellendene his ſpouſe, whom failing, to James S. his natural ſon,[2] &c. of the Barony of Ahammer (Allhammer) alias Quhitkirk, with the pertinents, within the conſtabulary of Haddingtoune and ſhire of Edinburgh; dated, 'apud Monaſt. S. Crucis prope Edinburghe,' Jan. 17, 1538.

Feb. 16.—Remiſſion to MR ADAM OTTIRBURNE OF RIDHALL, for **Abiding from the Army of Suluay**, &c. (*Apud Linlithqw.*)

Mar. 6 and 8.—Letters of Gift to WALTER COWSLAND burges of Striuiling, and Robert Cant burges of Edinburghe, of their avne eſchete gudis, pertening to þe Kingis grace, be reſoune of **Eschete**, throw being of þe ſaidis Walter and Robert **Abiurit of Weresy.** (*At Linlithqw.*)

Mar. 12.—Lettre to MARTYNE BALKESKY[3] remittand to him þe eſchete of all his gudis, &c. **throw cumin in will** of þe ſaid Martyne, befor þe Juſtice, for breking of our ſouerane lordis Proclamatioune, in **habing and vsing**, eftir þe making þairof, of **certane Inglis (Weretical) bukis**, contenit in þe ſammyn.

Mar. 13.—Lettre to MR JAMES FOULIS OF COLINTOUNE, Clerk of Regiſter, of þe Gift of þe gudis, &c. with þe advocatioune and donatioune of þe Chaplanrie, foundit at SANCT FRANCIS ALTAR, within þe College Kirk of SANCT GELE IN ED^R., with þe richt of þe Patronage þairof, quhilkis pertenit to JOHNE BROUNE, burges of Edinburghe, now **Eschete** throw being of þe ſaid Johne dilatit, accuſit, and **Abiurit of certane crymes and poyntis of Weresy.**[4]

[1] Worldly, temporal. [2] He afterwards got Letters of Legitimation, Jan. 13, 1538. *Reg. Secr. Sig.* xii. 59.
[3] See Notices, &c. regarding him, I ^v 217. [4] On Apr. 7 thereafter, he also got a Gift of certain of Broun's tenements, &c. in Edinburgh, which had been escheated for the same cause.

Mar. 24.—Lettre to Johne Cowane, burges of Striuiling, and Jonet Tennent, his ſponſe, of þe Gift of all gudis, movabill and vnmovabill, landis, &c. quhilkis pertenit to Williame Forester, ſone and apperand are to Johne F. burges of þe ſaid burcht, **Eschetit throw Abiuratioune** of þe ſaid Williame for **certane poyntis of Heresy, confessit be him in iugement.** (*At Lindithqw.*)

Jun. 8, 1539.—Lettre of Gift to Mr Henry Lauder, Aduocat to our ſouerane lord, of all gudis movabill, dettis, takkis, &c. quhilkis pertenit to Andro Hvme of Nynwellis, and now to the King, be reſoune of **Eschete,** throw being of þe ſaid Andro **Conuict of Wilfull Errour,** in ſerving of þe Breif impetrate be Adam Neiſbitt, ſone and are of vmq^le (Philp) Neſbitt of þat Ilk. (*At Sanctandrois.*)

Jun. 17.—Remiſſion to Alexander McCulloche of Cardirness, for treaſonably **Abiding from the Army at Werk.** (*Apud Falkland.*)

Jul. 3.—Reſpitt to Alane McGillespik McCondachy of Ballemanach, for art and part of þe **Slaughter** of vmq^le Johne M^ckilȝichȝere-ſone, &c.: For xix ȝeris. (*At Falkland.*)

Sep. 8.—Remiſſion to Alexander Lokkart of Wikitschaw, and iiij others, for art and part of the **Slauchter** of James Hammyltoune, &c. (*Apud Striuiling.*)

Sep. 9.—Lettre of Gift to Helene, Agnes, Jonet, Margaret, Katheryne, Eleȝabeth, Iſobell, and Marioune Swyntoune, dochteris to Johne S. of þat Ilk, coniunctlie, and þair airis, of all gudis movabill, dettis, &c. quhilkis pertenit to þe ſaid Johne, **conuict of Wilfull Errour,** &c.[1] (*At Striuiling. Compoſitio,* I^c xxxiij ℓ. vj ſ. viij d.)

Sep. 19.—Reſpitt to Eduerd Sincler of Strome, Magnus S. of Werſettir, Johne S. of Tollop, Williame S. of Houſe, Olyver S. of Helwra, James Cragy of Burghe, Johne C. of Bankis, and twenty-four others, and generally to all their kynmiſmen, freyndis, &c. within þe Ilis of Orknay and Zetland, being with þame in cumpany at þe committing of ony crymes, and art and part with þame þairintill, in ony tyme bigane, befor þe day of dait heirof: ffor art and part of þe **Conuocatioune** and gadering of our ſouerune lordis liegis **in arrayt Batell aganis vmquhill Johne Erle of Cathnese:** And for art and part of þe **Slauchter of þe said vmquhill Johne,** his freyndis, feruandis and pairt-takaris, being with þame in cumpany, at þat tyme: And for all vþeris **Slauchteris, Mutilationis, Oppressionis, &c.:** Treſoune in our ſouerane lordis awin propir perſoune allanerlie except. For xix ȝeris. (*At Striuiling.*)

Sep. 21.—Lettre to Adam Lindesay of Dowhill, of þe Gift of all gudis, movabill and vnmovabill, &c., quhilkis pertenit to Alexander Ramsay of Kynmont, **Eschete** throw being of þe ſaid Alexander **conuict of the Slauchter** vpoune . . . . Bercley, new recentlie done. (*At Falkland.*)

Oct. 15.—Remiſſio Thome Sinclare et Elizabeth Nesbitt, ſue ſponſe, pro arte et parte **Mutilationis et Demembrationis** Roberti Hendirſoune, **de suis testiculis.** (*Apud Falkland.*)

Oct. 19.—Remiſſion to James Kirkcaldy of Grange, and his three brothers, **for all crimes** committed prior to this date, Treaſon, &c. excepted. (*Apud Falkland.*)

Nov. 23.—Reſpitt to Williame Gourlay of Kincrag, Mr Andro his bruþer, and three others, for art and part of the **Slaughter** of vmq^le James Borthuik and vþeris, committit at Pettinweme: For xix ȝeris. (*At Peblis.*)

Dec. 1.—Remiſſion to John Buchquhannane of Gartnavertane, **for all crimes** committed prior to this date.

[1] See above, Jun. 8, 1539, where the same offence is recorded.

Dec. 24.—Remiſſion to HEW EARL OF EGLYNTOUNE, Hew Maſter of Eglintoun, Neill Montgomery of Langſchaw, Charles Mowat of Buſby, John Craufurd, brother of the Laird of Kilbirny, and twenty-eight others, for treaſonably **Abiding from the Army of Sulway**: And for all crimes committed prior to this date, Treaſon, &c., excepted. (*Apud Linlithqw.*)

Dec. 26.—Lettre to MAISTER THOMAS BELLENDENE OF AUCHNOWINSHILL (Auchnoull), makand him **Clerk of our ſouerane lordis Juſticiarie**, for all þe dais of his lyfe. (*At Linlithqw.*)

Jan. 3, 1539-40.—Remiſſion to THOMAS HUNTAR, for his treaſonably going between **Robert Biſhop of Roſs**,[1] then **Abbot of Holyrood**, on the one part, and **Archibald**, formerly **Earl of Angus**, and umq^le^ Archibald Douglas, his uncle, Traitors, on the other part, for the deſpatch of certain their affairs. (*Apud Linlithqw.*)

Jan. 10.—Reſpitt to JOHNE GUTHRE OF BALNABRECH for þe **Mutilatioune** of vmq^le^ Patrik Annand, &c.: For xix ȝeris.

Jan. 12.—Remiſſion, ALEXANDER M^c^CLOYD OF DUNVEGANE,[2] and xxiij others, for **treaſonably Reſetting**, &c., vmq^le^ **David Lyme of Weddirburne** and **Donald Ilis of Lochelsche**, kn^t^, their brothers and accomplices, &c. (*Apud Linlithqw.*)

Jan. 18.—Lettre to JOHNE LAWSOUNE, makand him Curatour, gydour, and gouernour to Patrik Neilſoun, **quhilk is daft, and hes na wit to gyde him ſelf**; for þe weile and proffeit of him and his barnis, quhill GOD ſend him witt and knawlege to rewle and gyde him felf, his barnis, and guidis, and mend him of þe ſaid infirmité. (*At Linlithqw.*)

Feb. 11.—Reſpitt to HECTOR M^c^CLANE OF DOWART, for all crymes committit be him in ony tyme bigane, vnto þe dait heirof: For xix ȝeris.

Feb. 24.—Remiſſion to GEORGE MELDRUM OF FIVY, and iiij others, **for all crimes** committed by him prior to this date.

Feb. 28.—Lettre to OLIUER SINCLARE OF PITCARNIS, makand him **Capitane and Repar of the Caſtell** and fortalice of **Temptalloune**, for all þe dais of his life; with þe landis of þe Manis of Temptalloune, with þe landis of Reidfyde, medois, and cunyngaris: PAYAND þe ſaid Oliuer, ȝerlie, to our ſouerane lord I^c^.lx merkis of male, alanerlie.

Mar. 4.—Remiſſion to GEORGE SINCLARE, brother-german of John S. of Blaufe, for art and part of the **Slaughter of William Creichtoune of Scottiſtoune**.

Mar. 5.—Remiſſion to ROBERT CHARTERIS OF LOCHTOUNE, for the **Slaughter** of William Charteris.

Mar. 10.—Remiſſion to THOMAS BLAIRE OF BATHYOK, for treaſonably **Abiding from the Army at Sulway**. (*Apud Linlithqw.*)

May 27, 1540.—Aue Protectioune, Saufgarde, and Reſpitt to OLIUER SINCLARE OF PITCARNIS, Katheryne Bellendene his ſpous, pair men, tennentis, and feruandis: **To indure quhill the ſaid Oliueris returnyng agane fra the Yllis**, and xl dais paireftir. (*At Sanctandrois.*)

May 29.—Remiſſion to THOMAS CRAUFURD, CAPTAIN OF CRAUFURD-JOHNE, for treaſonably **Abiding from the Army at Sulway**.

[1] ROBERT CAIRNCROSS. He was formerly Provost of the Collegiate Church of Corstorphine and Chaplain to JAMES V, and held the office of Lord High Treasurer. Having also obtained the *Abbacy of Fearne*, he resigned it in favour of his relation, James Cairncross, a Clerk of the See of Glasgow. [2] For all matters connected with THE ISLES, reference may be made to *Mr Gregory's* work.

Jun. 4.—Remiſſion to JOHN CRUMMY, for **treasonably witholding** and defending **the Palace and Place of Linlithqw** againſt THE KING and his authority, he being preſent in proper perſon, with diſplayed banners, &c.: AND for firing cannons, &c. againſt THE KING and his company, and the place wherein he then was, within the burgh of Linlithq^w^, &c. (*Apud Falkland.*)

Jun. 11.—Lettre of Gift to HEW CRAUFURD, ſone and are apperand to Laurence C. of Kilbirny, of all gudis, movabill and vnmovabill, &c., quhilkis pertenit to þe ſaid Laurence, Eſchete for **falſeing and fenzeing of ane proces of Apprising**, led at his inſtance aganis Johne Cunynghame. ('I^c^. merkis' of Compoſition.)

Jun. 12.—Remiſſion, ALEXANDER OGILUY OF THAT ILK, for treaſonably **Abiding from the Army at Sulway.**

Jun. 12.—Remiſſion to LAURENCE CRAUFURD OF KILBIRNY,[1] for treaſonably **Abiding from the Army at Werk**; and for all other crimes, Treaſon excepted.

Jul. 18.—Precept of Charter to JAMES BANNATYNE, Writer to the Signet, of a tenement in the Cowgate of Edinburgh, &c., eſcheated to THE KING by reaſon of the **Heresy of Mr Henry Hendersoune**, late TEACHER OF THE HIGH SCHOOL OF EDINBURGHE, of which he was **convicted before the Spiritual Judge.** (*Apud Petlethy.*)

Aug. 13.—Lettre of Gift to OLIUER SINCLARE (OF PITCARNIS) of all gudis, &c. quhilkis pertenit to **Sir Dauid Hachesone, Prouest of Rosling**, eſcheated throw being þe ſaid Sir Dauid **abſurit of certane poyntis of Heresy.**

Aug. 16.—Remiſſion to ALEXANDER M^c^ALESTARE OF LOWPE and ij others, for treaſonably **Abiding from the Army at Sulloway.**

Sep. 15.—Lettre of Gift to JAMES ERLE OF ARRANE of þe non-entres, malis, fermis, &c. of þe **landis and Barony of Hamyltoune**, &c, &c., with þe releif pairof quhen it falhappin. (*At Glammys.*)

Eo die.—Lettre of Gift of þe Gift maid be PATRIK ERLE BOTHUILE, Lord Halis, to vmq^le^ **(Schir) James Hammyltoun of Fynnart, knycht**, of þe nonentres, males, &c. of Eſtir and Weſtir Blairmukkis, &c., in ſcherefdome of Lanerk, quhilk pertenis to our ſouerane lord, be reſoune of Eſchete throw **Forfaltour**, led vpone þe ſaid vmq^le^ James **for certane crimes of Tresoune**, &c.[2]

Eo die.—Lettre of Gift of þe Eſchete of Over and Nethir Braco, Fynnart, &c. to JAMES ERLE OF ARRANE, quhilkis pertenit to **(Schir) James H. of Fynnart, knycht**, haldin be him as tenandrijs of þe ſaid Erle and Alexander Schaw of Sauchquhy, and now pertenes to our ſouerane lord, &c.

Sep. 26.—Remiſſion to GEORGE GORTHY OF THAT ILK, Triſtram his ſon and heir apparent, and George and John, alſo his ſons, for the **Slaughter of Robert Murray of Drumdewane**, &c.

Eo die.—Lettre of Gift to ROBERT DURY OF þAT ILK of þe takkis and ſtedingis of þe landis of Luſcar, Eviote, Killerny, Kynnedder, &c. in regal. of Dunfermling and ſh. of Fyff; quhilkis pertenit to (SCHIR) JAMES COLUILE OF EST WEMYS, knyght, and now to þE KING be reſoune of eſchete, throw being of þe ſaid James convict of certane crymes of **Tresoun and Lese-maieſte**, &c. (*At Falkland.*)

Sep. 29.—Remiſſion to WALTER LESLIE, ſon and heir apparent of Alex. L. of Kynnury, for the **Slaughter of Patrick Rettray of Kinballoch.** (*Apud S. Andream.*)

[1] On Jul. 30, 1540, he obtained leave 'to sell, analie, or wodset ane part of his landis of Kilbyrnie' and 'Garnok.' [2] See some notices relative to his Forfeiture, Vol. I, p. * 227.

Nov. 23.—Lettre of Gift to OLIUERE SINCLARE (OF PITCARNIS) of all gudis, &c. quhilkis pertenit to Archibald Douglas of Garſchogill, Williame his ſone, Johnne D and Johnne Eſpy, and all vþeris þare complicis, Rebels, and fugityvis fra the lawis, for nocht finding ſouerté to vndirly þe ſammyn, for þe art and part of þe cruell **Slauchter** of vmq^le^ **Maiſter Vector Sinclare, Parsoune of Kilbryde.** (*At Halyrudehouſe.*)

Dec. 8.—Remiſſion to ROBERT MAULE OF PANMUIR, for treaſonably **Abiding from the Army of Sulway.**

Feb. 3, 1540-1.—Remiſſion to WILLIAM STEWART OF TODLAW, for treaſonably **Abiding from the Army at Jedburcht** and upon **the Marches** of the kingdom, gathered quarterly for reſiſting of our Enemies of England, &c.

Feb. 6.—Reſpitt to JOHNNE MOWE OF þAT ILK, and xix vþeris, for art and part of þe **Slauchter** of Williame Burne, ſone to Robert Burne in Prymſydloche, committit at þe Kirk of Mow: For thre ȝeris.

Eo die.—Lettre of Gift to OLIUER SINCLARE OF PITCARNIS and Johne Tennent of þe Carnys of þe takkis of þe Kirk of Abircorne, now pertenyng to our ſouerane lord be reſoune of eſcheit, throw **Juſtiſying** of vmq^le^ (**Schir**) **James Pammyltoune, sumtyme of Fynnart, knyght,** to þe deid for certane crymes of Treſoune.[1] (Compoſition 'V^c^ merkis.')

Mar. 8.—WARRANT *to make a third* SIGNET, *in lieu of that which was ſtolen.*

SECRETAR, Becauſe We vndirſtand þat it is neceſſar þare be **thre small Signetis** for ſeruice in our **Seſsioune, Juſtice-airis,** and for **oure awne directionis,** OUR WILL is beirfor, and We charge ȝou, þat incotinent eftir þe ſicht heirof, ȝe cauſe mak ANE THRID SIGNETE, in place of it þat wes ſtollin, to be vſit in our ſeruice, as ſaid is: And to reforme þe vþeris thre Signetis, grete and ſmall, as ſalbe thocht expedient be þe Lordis of our Counſale. And for þe maire ſecurité of ȝour Warrand, We ordand þis oure charge to be inſert in þe Bukis of our Counſale, to be extract to ȝou in forme of Act. Subſcriuit with our hand, and gevin vndir our Priué Sele, AT LINLITHQW, þe viij day of Marche, and of our regne þe xxvij ȝeire.

Mar. 13.—Remiſſion to SIR JAMES SANDELANDIS OF CALDOR, knyght, for his treaſonably **Reſetting,** &c. umq^le^ **Archebald Dowglas of Kilſpindy** and his ſervants, Traitors and Rebels at the horn: AND for taking two horſes from the ſaid Archibald.

Mar. 18.—Remiſſion to WILLIAM LORD SYMPILL, Robert Maſter of Sympill his ſon, Gabriel S. his brother, Dauid and John S., and William Pencartoune, **for all crimes committed prior to this date,** Treaſon, &c. excepted. (*Apud S. Andream.*)

Mar. 22.—Remiſſion to ARCHIBALD ILIS, alias *Archibald þe Clerk,* Alexander M^c^conill Gallich, and twenty-eight others, for the treaſonable Fire-raiſing and **Burning the Castle of Allanedonnand** and boats thereat:[2] AND alſo of the '**Weirschip' of Kenlochow and Crouternes:** This Remiſſion was declared by THE KING to be null, unleſs they obſerved good rule in time to come.

Mar. 30, 1541.—Reſpitt to JOHNNE WILLIAMSOUNE, and fifty vþeris perſonis, kynniſmen and allya of vmq^le^ **Vector Macintoschc** for **all actionis and crymes** committit be þame befor þe day of þe dait heirof, Treſoune in our ſouerane lordis perſoune alanerly except: For xix ȝeris to indure.

Apr. 9.—Reſpitt to ALEXANDER BANYS, for art and part of þe **Slaurhter of Schir William Stewirsoune,** Chaplane, committit vpoune þe Linkis of Kincrag, be þe ſpace of ix ȝeris or þairby. For xix ȝeris. (*At Striuiling.*)

[1] See I. 227.

[2] See *Mr Gregory's* Work on THE ISLES.

Apr. 20.—Lettre of Tak to OLIVER SINCLARE OF PITCARNIS, his airis and affignais, of all and findry our fouerane lordis landis and **Lordschippis of Orkney and Zetland**,[1] and of all pe **Ylis**, partis, boundis, and fifchingis pairof, and all pair pertinentis; togidder with pe **Constabulary and Keping of the Castell of Kirkwall**: AND als makand pe faid Oliuere, and his airis male, **Justicers, Scheriffis, Admirallis**, and **Baillies** of all and findry pe forfaidis landis and lordfchipis, baith be fey and land: For thré zeiris nixt to cum eftir pe feift of Lammes laft bypaft: PAYAND zerlie thre thovfand merkis, at Beltane and Lammes, be equal portionis. (*Apud Striuiling.*)

May 24.—Refpitt to SCHIR RICHARD PURVES, Chaiplane, for pe **Slaughter of Henry Newlandis**, done and committit be him in his pure defens. For xix zeris. (*At Striueling.*)

Jun. 4.—Refpitt to CHARLES CAMPBELL OF SKERINGTOUNE, Colin C., fone of vmq^le Colin of Auchinhowye, Williame C. and Johnne Roger, for pare trefonabill biding and remanyng fra our fouerane lordis **Army and Raid of Sulway**: AND for pe **Slaughteris of Alane Hammyltounne of Bardowe**, Robert Striueling of Bankere, and Andro S. in Ballingtrocht: For xix zeris. (*At Striueling.*)

Jun. 9.—Remiffion to JOHN LEVINGSTOUNE, fon of James L. of Waranehill, for the cruel **Slaughter on forethought felony and 'auld Feid'** of ARCHIBALD BALLIE OF HOWGAIT, who flew the faid John's father. (*Apud Striueling.*)

Jun. 14.—Remiffion to ALAN LOKART OF LEY, for **Abiding from the Army at Werk**: AND for **Slaughter** of Ralph and Dauid Weir, &c. (*Apud Striueling.*)

Jul. 13.—Refpect to JAMES SINCLARE, for art and part of pe **Slaughter** of vmq^le **William Creichtounne of Scottistounne**, &c.: For thré zeris.

Jul. 25.—Lettre of Gift to OLIUERE SINCLARE OF PITCARNIS of pe **Mariage of William Sinclare**, fone and are of vmq^le Alexander S. of Dunbethe; and failzeing him be deces vnmaryt, pe Mariage of ony vper ane. (Compofition 'I^c merkis.')

Eo die.—Remiffion to JOHN LINDESAY OF COVINTOUNE, Robert his brother, Harbert Johnefloune, fon and heir apparent of Harbert J. of Weft Raw, and five others, for treafonably **Abiding from the Raid of Werk**, &c.

Oct. 21.—Lettre of Gift to OLYVER SINCLARE OF PITCARNIS of pe Efchete of Robert Dikfoune in Bouchrig, and feven other Dikfounis, fugityve fra pe law and at pe horne, for pe **Slaughter of John and Ewmond Gradane**, and two others their brothers.

Dec. 31.—Lettre of Gift to NORMOND LESLIE, his airis, &c., of all gudis, &c., being within pe **Castell of Est Wemys**, quhilkis pertenit to JAMES COLUILE OF EST WEMYS, kny^t, Efcheit throw being of pe faid James fugityve fra pe law for certane crymes of **Treason and Lesemaieste**, of pe quhilkis he wes convict in Jugement.

Jan. 1, 1541-2.—Refpitt to SCHIR ALEXANDER ELISOUNE, Chaplane, for art and part of pe **Slaughter** of George Biffet, committit vpoune fuddanté: For xix zeris.

Feb. 8.—Remiffion to JOHN LAUSOUNE, John Scot, John Myllar, and John Scot fenior, for their treafonably befieging and **breaking up** the gates and doors of **the lodging belonging to James (Archbishop) of Sanctandrois**,[2] fituated in the Black Friar's Wynd, within the burgh of Edinburgh, for his capture and apprehenfion, he being within the faid lodging at the time, &c. (*Apud Falkland.*)

[1] See these Extracts, Aug. 31, 1542. [2] JAMES BETOUN, who, according to *MacFarlan's MS.*, was 'the sixth and youngest son of James Beaton of Balfour, by Marjory Boswal his wife, daughter to Sir David Boswal of Balmuto.' He died in the time of harvest, 1539. *Sadler's Letters. Keith's* Cat. of Bishops, p. 36.

Feb. 21.—Remiſſion to DONALD McALESTER OF LARGIS, in Kyntire, John his ſon and heir apparent, Rannald Boy, Archibald and John Makrannald Vane, and twenty-four others, for their treaſonably **Abiding from the Raid of Sulway**: And for all other crimes, &c.

Mar. 6.—Reſpitt to MORISE DALRIMPILL, Dauid Kennedy, and Thomas Hornour, for þe **Reviſing of Ionet Creichtoune, callit Lady Newtoune**, and having carnale daile with hir be þe ſaid Moriſe, incontrare hir will: For xix ȝeris. (*At Sanctandrois.*)

Mar. 12.—Reſpitt to WALTER PORTUIS for þe **Slauchter** of Dauid Olifer in Montcowper, committit apoune ſuddanté be þe ſpace of ten ȝeris, or þairby: For xix ȝeris. (*At Petlethy.*)

Mar. 16.—Lettre makand DAUID CREICHTOUNE OF NAUCHTANE, **Capitane and Repare of the Caſtell of Edinburgh**, for his lifetime—iiij^c markis to be pait to him ȝerlie, in his fee.

Apr. 14, 1542.—Remiſſion to ANDREW MURRAY of Blakbarony, for his treaſonable art, part, **assistance, Reset**, &c. afforded to vmq^le **Archibald Dowglas**, and Iſobella Hoppar his ſpouſe, the time the ſaid Archibald was **Rebel and Traitor**. (*Apud Striueling.*)

Apr. 30.—Remiſſion to HECTOR McCLANE OF DOWARD, Donald his brother, and John McClane of Ardgonre, for **Abiding from the Raid of Swlway**: AND for diſobedience ſhewn to David Wod of Crag, Comptroller to the King, whilſt he was in THE ISLES for ſetting the King's lands, and abſenting themſelves from his preſence: AND for all other crimes, &c. High Treaſon alone excepted. (*Apud Sanctandrois.*)

Eo die.—Letter of Regreſs to DAVID PITSCOTTY, great grandſon[1] and ſucceſſor of **Finlay Pitscotty of Loncardy**, on the fourth part of the Haltoun of Loncardy, in the ſhire of Perth, alienated by the ſaid Finlay to Sir Andrew Quhitheid.

May 6.—Commiſſion to ARCHIBALD STEWART, CAPTAIN OF DUNNYVAIG, making him Ruler and **Governor within the bounds of Ylay**,[2] with power to execute **the Office of Sheriff** thereof; during the King's pleaſure.

May 10.—Commiſſion to ALEXANDER MASTER OF GLENCARNE, making him Ruler and **Governor within the bounds of Kintyre**; with power to hold **Sheriff and Iuſticiary Courts**, &c.

Jun. 11.—Remiſſion to JAMES NASMYTH, burgeſs of Linlithq^w, for treaſonable art, part, and **assistance** afforded to umq^le **Sir James Hammiltoune of Fynnart, knight**, in his treaſonable acts and deeds. (*Apud Striueling.*)

Aug. 31.—Lettre of Tak to OLYVER SINCLARE OF PITCARNIS, his airis, &c. of the landis and **Lordschippis of Orknay and Zetland**, and all þe **Ilis**, &c.[3] for five ȝeris fra þe feiſt of Lammes 1543: Payand ȝerlie 3000 merkis, at Beltane and Lammes.

Sep. 1.—Reſpett to GILBERT FORDYCE, for þe **Slauchter** of vmq^le Williame Donaldſone, *alias Brounhill*, committit xij ȝeris ſyne within þe Gryrth[4] of Halyrudhous, apoun ſudanté.

Sep. 19.—Remiſſion to MATHEW WINDEGAITIS, for the **Slauchter** of Robert, *alias Hob*, Olyver. (*Apud Couper.*)

Oct. 2.—Reſpitt to ALEXANDER LAUDER, for þe **Slauchter** of vmq^ll Thomas Brouſtare; committit rekleſlie with þe ſchot of ane culvering, ane ȝeire ſyne or þairby: For xix ȝeris.

Nov. 4.—Reſpitt to DAUID SCHAW, and George Dreghorne, for þe **Slauchter of umquhile Johune Striuſling of Keir, knycht**, &c.: For xix ȝeris.

[1] *Pronepotis.* [2] See Mr Gregory's work for illustrations of these and other matters connected with THE ISLES. [3] See these Extracts, Apr. 20, 1541. [4] Sanctuary.

Nov. 26.—Lettre of Gift to Edwart Stewart of all gudis, &c. quhilk pertenit to Johnne Smithe in Smithiftoune, efchete throw þe faid Johnis being abfent and **Remanyng fra þe Oist and Armp deuifit** and ordanit to pas to **þe Est and South Bordouris** of þe realme, for expulfioune of our ald inymeis furth of þe famin.

II. Illustrations of the Reign of King James V, selected from the Accounts of the Lord High Treasurer of Scotland.

[The Editor presents here to the reader the result of a laborious and patient investigation of another portion of the truly valuable Records of the Lord High Treasurer of Scotland's Accounts. If, in his eagerness to bring to light much important historical matter, he has erred, by collecting too many particulars, strictly speaking, unconnected with the nature of this work, it is hoped that even those who are least inclined for such enquiries, will readily excuse the indiscretion. It has long been the Editor's conviction, that the real complexion of great public events are often most clearly understood and displayed by the investigation of such authentic sources as the public Records. The intricacy and extent of these documents, however, are such as to discourage, or altogether to deter, the generality of authors from even making the attempt at so serious an undertaking.

It has been thought best merely to add a few brief explanatory Notes, because the dates in general indicate the Trials illustrated by this and the preceding Appendices.]

Jul. 23, 1515.—Item, deliuerit be Mafter George Langmure, in þe Compt-giffaris name, to Alexander Chalmour, Paynteour,[1] for ane hundrethe and xl **Paynttit Armys to the Obsequifs of our souerane lord** King James the Ferd,[2] quham God affolze, þis day deliuerit in Sanct Gelis Kirk, price of ilk pece tuelf pennys, *summa* . . . . viij li.

Item, deliuerit be þe Compt-giffar to my Lord Governour, **to offer at the Mess**[3] **of the forsaid Obsequifs**, ... xiiij s.

Jul. 29.—*Item*, to ane rynnare[4] at[5] bure ane Letter to Kethe Marfchell, for **my Lord Marfchell**, ... xvj d.

Jul. 30.—*Item*, at ane eftir none, to Dauid Cameronne, Johnne Langlandis, and James Biffatt, Officiaris, **to pas at the post** with my lord Governouris **Letteris** to my Lordis Chammerlane,[6] Maxwell, and to **Strueling**, with deligence, betuix þame, . . . l s.

Jul. 31.—*Item*, to Johne Balfoure, officiare, to pafs with thre Letteris and credence[7] of my Lord Governouris, with deligence, to þe Lordis Erskine, Flemyng, and Lard of Keire, **for Keping of the Kingis grace**, ... xiij s.

[1] See Mar. 15, 1517-18 of these Extracts. [2] See Vol. I, p. * 120, Notes, for some similar illustrations. [3] Funeral Mass and Requiem for the repose of the late King's soul. [4] Runner; courier. [5] That; who. [6] It would at first sight appear that this was probably John, *second* Lord Fleming. Alexander, *third* Lord Home, having embraced the Queen-Dowager and Angus's party long previous to this date, it might reasonably be supposed he must have been, ere this time, deprived of the office of Lord Great Chamberlain. By a subsequent entry, however, Aug. 23, 1515 (q. v.), it appears the Home was at that time Chamberlain. [7] It was necessary that a messenger entrusted with such important affairs should be enabled to exhibit the fullest Credentials and the Warrant of the Governor and Privy Council.

Item, to Duncan, cartar, to paſs with xxiiij horſis, makand vj cartill, chargit with twa culuerīng-mynanc, gvn-ſtanis, gvn-powdir, and certane hacbuſchis,[1] ovt of Edinburghe to Lintounc, and returnyt þe ſamyn day, ilk cart on þe day ix ſ., *ſumma*, ... liiij ſ.

Item, to ten pynouris[2] at bure x hacbuſchis, ... x ſ.

Aug. 2.—*Item*, to Johne Langlandis, officiare, for to paſs with diligence till DUNDE and FORFARE, to charge all ſensabill personis meit my lord Gobernour, þe ferd[3] day of Auguſt,[4] xvj ſ.

Item, to tua rynnaris, þat paſt with Letteris to Dalkeithe, Newbottill, and Leſtalrig, for help of Oxin to the gunnys, ... ij ſ. iiij d.

Item, to Dokane (Duncan), cartare, for xj cartis quhilkis lauborit ane hale day, carcand Gunnys, gun-ſtanys, powdir, rokkeris, and vthir Artalzery out of THE CASTELL and ABBAY OF EDINBURGHE to LEITHE; lauborand ane haill day, ilk cart on þe day ix ſ., *ſumma*, iiij li. xix ſ.

Aug. 6.—*Item*, to Johne Langlandis for to pas with iiij Letteris to the Schirreffis of ROXBURGHE, BERWIC, PEBLIS, and SELKIRK, to cauſe þe KINGIS liegis be in Edinburghe the xb day of August, with xx dais victuallis—for his wagis, ... xiiij ſ.

Item, to Gilbert Rutherfurd, James Biſſat, and Dauid Lowry, Meſſingeris, to pas with xvj Letteris for þe ſamyn cauſe to þe Schyris of FORFARE, KINCARDIN, FYFF, DUNDE, COWPARE, BERWY, PERTHE, MENTETHE, CLACKMANNANE, STRATHERNE, KINROSS, KILE, CUNYNGHAME, and RENFREW, as þe Breuiat beris—for þar wagis, ... lij ſ.

Aug. 7.—*Item*, to Dauid Purves, Maſer,[5] for to paſs erandis of my LORD GOVERNOURIS to the Lord Dakkere, in Inglaud—for his wagis, to gud compt,[6] . . . . lvj ſ.

Aug. 8.—*Item*, to xij cartaris and xviij cartis ane hundrethe and xx pynouris and ix gadmen,[7] being carcand the Artalzery fra Edinburghe to Streuelīng, and returnand agane, in viij dais labour, as þe Compt maid þairuppone beris in it, ... lvj li. xvj ſ. x d.

Item, for þe wagis of vj horſis, and v feruitouris with þame, quhilkis careit gun-ſtanis þe ſamyn tyme, in foure dais, ... xlvj ſ.

Item, to Sandé Jakſone, Duncan Smyth, and tua feruitouris with þame, to waít one the Cartis abuff writtin, ... xxviij ſ. iiij d.

Item, þe ſamyn day, and þe xiiij day of Auguſt þairefter, to Dokane, cartar, Thome Brauewod, and Johne of Cunyngham, for fyve cartis in vj dais, and to William Gogar, beand with þame v dais, with ane cart, brīngand with þaim out of Glasgw to Edinr twa haill gunnys and ane brokin, ilk cart one þe day, ix ſ., *ſumma*, ... xv li. xv ſ.

Aug. 9.—*Item*, to Petir Gilleis, Frencheman, to pay xix pynouris quhilkis labourit in þe Palice a day, ilk man viij d.[8] *ſumma*, ... xij ſ. viij d.

Aug. 10.—*Item*, to ILAY HERALD, and a Monk of Newbottill, quhilk wes acquaint in Inglaud, to pass with Letteris of my Lord Governouris to þe Lord Dakere, in Inglaud, vj li. vj ſ.

Aug. 17.—*Item*, deliuerit to Mathew Auchinlek, goldſmyth, to mend þe hiltis of þe KINGIS Sword of Honour, twa vncez of ſiluer, price of ilk vnce fourtene ſchillīngis; ane ducat of wecht to þe gilting of þe ſamyn hiltis, and ane lycht Franche crovne for his labouris, *ſumma*, iij li. xij d.

Aug. 20.—*Item*, to Galtere Robertſone, deliuarit to ane feruitour of þe LARD OF CESFURD,[9] quhilk come with nouelties fra þe Army to my Lord GOUERNOUR, . . xviij ſ.

Item, to ane rynnare, to pas to Dundé with Letteris to þe BALLIES þairof, to speid in thare folkis to the Army, ... iiij ſ.

[1] Hagbuts, or Harquebusses. [2] Pioneers. [3] Fourth. [4] Numerous similar entries for the expense of couriers despatched to various parts of the Kingdom. [5] Macer. [6] This phrase often occurs in the Accounts, and seems to signify an *interim* payment made until final accounting. [7] Drivers furnished with *gads*, having sharp points to *goad* on the oxen. [8] The above entries are given as a specimen of this early part of the Treasurer's Accounts, which, however, are so very bulky as to prevent the possibility of any such Extracts being given in a connected manner. They are, however, very interesting, and replete with minute and curious historical materials. [9] One of the Wardens of the Marches.

Aug. 23.—*Item*, to Johne Balfoure, messingere, for to pass with Letteris of Summondis of **Forfawtour on the Lord Chawmerlane**, to his expensis, ... xx š.

Aug. 24.—*Item*, to James Wallace and Dauid Lowry, Officiaris, conjunctlie and feuerallie, **thre Letteris of Summondis** on ꝑe Lord Hume and his foure brepir, and on Dand[1] Heriot of Trabroune to compere ꝑe xxij day of October nixt pairestir, to here pame be **Forfawt** for causis, and ane generall Letter for Captioune—to ilkane of pame xiiij š., and to ane rydand man for to pass with paim, wele horsit, xiiij š., *summa*, ... xlij š.

Item, for ꝑe hyire of tua led horsis for to pass with ꝑe said Officiaris, . . xx š.

27.—*Item*, to Francheoise Ferquhare, seruitour to **Schir Anthone Darsy**, and in his name, for to pay xv gunnaris for to pass ꝑis day to **the Castle of Dunbar**, ilk man tua crownis of wecht, in part of payment of pare wagis, to gud compt, ... xxvij li.

Sep. 4.—*Item*, to **Lyoune Herald** for to pas to ꝑe **Lord Dakkire** with writingis, to his expensis, ... iij li. x š.

Item, to Dauid Cameroun for **to pass to the day of Trew**, and erandis to ꝑe **Lord Dakkire**, to his expensis, ... xlij š.

Item, to Johne Langlandis Letteris to call ꝑe Lord Hume his brepir and pare complicez **for the Baldiug of Blacater**, and to leif ꝑe samyn, deliuerit to his expensis, and iij Witnes to pass with him, ... xxx š.

11.—*Item*, to Dauid Lindesay,[2] **Repare of the Kingis grace**, takand fourty poundis in pensioune, zerelie; deliuerit to him in pairt of pament pairof, to gud Compt, . . x li.

Item, to **Lyoune Herald** for to pass, ꝑe secund tyme, erandis of my Lord Governouris in Ingland, to ꝑe **Lord Dakkire**, to his expensis, ... iij li. x š.

12.—*Item*, to Duncan, cartare, for his cart lauborand in **carying of Artalzery, harnes**, halbertis, pikkis, and speris, vj dais betuix ꝑe Abbay and ꝑe Castell of Edr, as wes contenit in Capitane Bukkatis[3] Compt maid pairon, ... iij li. xviij š. viij d.

14.—*Item*, to Duncan, cartare, and his marrowis[4] **passand to Glasgw** with xv cartill, makand lx horsis, **for twa cannobnis**, and for powdir and vpir **Artalzery**; fra ꝑe xiiij day forsaid, inclusiue, to xx day of ꝑe samyn exclusiue, makand fyve dais, ilk cart on ꝑe day ix š., *summa*, xxxiij li. xv š.

Item, to xij seruitouris quhilkis helpit ꝑe samyn cartis, ilk man on ꝑe day viij d., *summa*, iij li.

15.—*Item*, to Dauid Cameroune, and four other Officiaris, to pass with lxxvij Letteris to ꝑe **Lordis, Schirressis, Baronis, and Hediismen**[5] of ꝑe maist parte of ꝑe realme, to provid for xl dais Victualis apone iij dais warnyng; and for certane Lordis and Hedismen for to cum towart my Lord Gouernour with diligens—deliuerit to ꝑe forsaidis Officiaris to mak pair expensis, and to hyre pame horsis, because pair avne horsis sum wes slane, sum wes bursyne,[6] sum crukkit, sum soppit[7] be consideratioune, amangis paim, ... vij li. ij š.

16.—*Item*, at fyve houris in ꝑe mornyng, to **Lyoune Herald**, for to pass with my Lord Governouris Letteris to ꝑe **Lord Dakkire**, beand in **Carlile**, to his expense, . . iij li. x š.

Item, to Johne Adamsone for to pass with tua Letteris of my Lord Gouernouris, ane to ꝑe Quene, **beand in Blacater**, and ꝑe topir to **Dand Ker of Fernyhirst**; to his expensis, xiiij š.

29.—*Item*, to Johne Adamsone, Officiare, for to pas with Monsr de Planis, **Ambassiatour to the King of Franch**, and Master James Ogiluy to **the Quene** and **Lord Dakkire**, and forthir[8] eftir pare directiounis, deliuerit to his expensis, to gud Compt, ... xx š.

30.—*Item*, to **Lyoune Heraldis wif**, for supporting of hir in ꝑe said Lyonis absens, **beand**

[1] The common familiar abbreviation for Andrew. [2] Afterwards Sir David Lindesay of the Mount, Lion King of Arms. [3] One of the Frenchmen. He is called 'Johanne Bouskat, Commissioner of the Artalzery,' Feb. 4, 1515-16. [4] Fellows, companions. [5] Chiefs. [6] Broken-winded. [7] Perhaps *swopped* or *swapped*, *i.e.* exchanged for other horses, on paying a difference or consideration. [8] Farther, as he might be directed by them.

in England, in v li.; and pe xx day of December pairefter to his felf v li., makand in pe hail x li. in part of pament of his fee, to gud Compt, ... x li.

Oct. 1.—*Item*, to James Wallace tua Letteris of my Lord GOUERNOURIS for the Lordes in Striueling, Reparis of pe Kingis persone, for gude reule to be put in STRIUELING, anent the Pestilence, deliuerit to his wagis, ... x s.

Oct. 14.—*Item*, to Dowgall Campbell, deliuerit be pE LARD OF KERE in pe name of pe Compt-giffare, for certane expensis pe faid Dougall maid on Marinaris quhilkis he had with him in the Gabriell, for pe supporting of MAKKANIS HOUSE, quhen it wes firſt to be Segit be Schir Donald Ylis, within pe tyme of pis Compt, . . . xxxiij li. vj s. viij d.

Oct. 20.—*Item*, to Dauid Cameroune for his paſſage with MASTER JAMES HAY, before pis day, to Barbottill in England; and for his paſſage pis day with diligens and my lord GOUERNOURIS Writings to the Quene, beand in Harbottill, deliuerit to him, ... xlij s.

Oct. 23.—*Item*, to thre Witnes quhilkis come out of TAVIDALE to preit pe executioune of ane Summondis (of Forfeiture) maid on pE LORD HUME and his brether, . xx s.

Oct. 25.—*Item*, to Duncan Riche and certane vpiris beraris, for falt of Officiaris, xxvj Letteris for ſa mony SCHIRREFFIS and STEWARTIS of pe haill realme for putting doune of Bedwart-stabis, and for vſing of ſperis, axis, halbertis, bowis, and culueringis, deliuerit to par wagis, . xlij s.

Oct. 27.—*Item*, to Johne Balfoure and vpiris beraris to paſs to pe Schirreffis of DUNBERTANE, STRIUELING, LITHQW, RENFREW, and LANARK, for to warne pare ſchyris for pe hame-bringing of the Artalzery out of Glasgw, ... xxviij s.

Oct. 28.—*Item*, to Duncan Riche for to paſs with my Lord GOUERNOURIS Letteris to SETOUNE, DUNGLASS, FASTCASTELL, and endlangis pe Coſt, with diligens, for to gare mak Beil-fyris[1] and cast[2] Gunnys, for nouelteis of the Triumphe the King of France gat in Lumbardy, to his expenſe, ... xx s.

Oct. 31.—*Item*, to Hare Lauſone for to paſs with diligens to my Lord GOUERNOUR, day and nycht, towart Vammyltoune with pare Writing at come fra pe VNDER-CAPITANE OF DUNBAR, anent pe Rasing of Fyre be the Kingis Rebellis, for his wagis, ... xx s.

Nov. 4.—*Item*, for wax deliuerit to Dauid Anderſoune for Selys to certane Letteris of Forfactoure, ... iiij s.

Nov. 20.—*Item*, for wax quhit and reid he bocht to pE SELYIS of certane Letteris of Forfactour and vperis concernyng my Lord GOUERNOUR, ... xv s.

Dec. 1.—*Item*, to James Neſbit, maſare, for to pass with the King of Francis Ambassiatour to the Lord Dakkire, and for till vſe pe faid Ambaſſiatouris directioune, for his expenſis, to gud compt, deliuerit . . . . . xxviij s.

Dec. 6.—*Item*, to Patrik Reoche, meſſingere, for to paſs with my lord GOUERNOURIS writingis to the King of France Ambassiatour, beand with the Quene in Barbottill, in ENGLAND, for his expenſis,[3] . . . . . xxxij s.

Dec. 27.—*Item*, to Duncan Riche for to paſs with Writingis of the King of Francis Ambassiatouris in England to the Quene and King of Inglandis Commissionaris, beand in Morepethe, to his expenſis and wagis, ... xlij s.

Jan. 31, 1515-16.—*Item*, be my lord GOUERNOURIS command, to pE BAILZEIS OF SELKIRK to pay pair Taxt, beeaus at thai war hereit[4] be Thebis and Pestellence, . . xv li.

Feb. 4.—*Item*, to Johanne Bouſkat, *alias Bukkat*, Francheman,[5] Commiſſioner of pe Artalzery, be my lord GOUERNOURIS command, gevin pairon to furnis certane cartis and cariage of cer-

[1] Beil-fires, Bonfires, see *Dr Jamieson's* Dictionary for the origin of the term. [2] Shoot, discharge. [3] Numerous payments are made, which prove a constant correspondence, at this time, between the Queen, the French Ambassador, Sir Anthony Darsy, &c. [4] *Harried*, plundered. [5] See Sep. 12, 1515, &c. of these Extracts.

tane Artalzery out of Glasgow and Dunbertane to Edinburghe, eftir his compt pairon, in lxxxj Franche crownis of wecht, *summa*, ... lxxij li. xviij s.

Feb. 18.—*Item*, pat famin nycht, in Linlithqw, my lord Gouernour beand pair, to ane man with horfe pat paffit with clois Letteris apone pe nycht to Monsr. de Planis[1] to Edinburghe, at poft, ... viij s.

Item, pat famin nycht, to ane horfman pat paffit with clois Letteris to the Scheref of Striuiling, at xj houris, ... x s.

Feb. 19.—*Item*, pat famin nycht, to Haus gunnar, quhilk hyrit ane horfe to ryd to Striuiling, at poft, for hakbussis and stanis,[2] . . . . . xij s.

Item, to Johnne Balfoure, Officiare, to pafs to Edinburghe with clois Letteris to the Ambassatour of Franche, at midnycht, ... x s.

Feb. 20.—*Item*, to ane man pat paffit with ane Lettir of my lord Gouernouris to Captane Jonet, to gar the Artalzery be moband fra the Fawkirk, ... ij s.

Item, to ane man pat paffit to the Scheref of Striueling, with ane Letter of my lord Gouernouris[3] to gare all the Oxin of that schire be reddy for drawin of the Artalzery, iiij s.

Mar. 4.—*Item*, bocht and fend to the bj Rokkaris and Durrisis of the Kingis and bmquhile my Lord Dukis, his broperis, xxiiij elne of Rowane ruffat, to be thame Gownis, price of ilk elne xvj s. *summa*, ... xix li. iiij s.

Item, to border and cuf of pe famin gownis, iij elne weluofe, price of ilk elne, 1 s., *summa*, vij li. x s.

Item, to ane man pat bure ane Letter of Respett to the Master of Halis for pe Incummyng of the Elwandis,[4] . . . . . iiij s.

Mar. 18.—*Item*, to Crifteane Cokburne, ane of the Princis bmquhile Rokkaris, iiij elne of Rowane ruffat and half ane elne of weluofe, to be hir ane Gounc, price of pe elne of ruffat xvj s., and of pe ½ elne of weluofe, xxv s., ... iiij li. ix s.

Item, for xvj elne of claith, callit mylk and watter, to be iiij Almos Gownis and hudis for the Kingis Almos, one Cena Domini,[5] price of ilk elne iiij s., *summa*, . iij li. iiij s.

Item, for pe fafloune of pe faidis iiij gownis and hudis, ... viij s.

Item, to ane man and horfe to turfe thame and pe faid clathis furth of Edr to Striuiling, iiij s,

Item, to Henry Dempftare, quhilk gaif to pe iiij Almosaris iiij purfis, and ilk ane iiij s., *summa*, ... xvj s. viij d,

Item, to ane feruitour to pas with clois Letteris to Scone, Duplyne, Aluay, Dunblene, and Ruthvene, for pare Selis to be put to ane Commissioune[6] to pas with the Ambassatouris to Ingland, ... x s.

Item, to ane feruitour to pafs with Letteris, at pe poft, to my Lordis of Errole, Marschell, the Elect of Abirdene,[7] and to pe Commiffar of Abirdene, anent the Gadering[8] betuix the Erle Erroll and Lord Gordoune, ... xiiij s.

Apr. 10, 1516.—*Item*, gevin to Robert Hert, to ride (to) pe Capitanis of Douglas and Tamptelloune, with tua Preceptis of my lord Gouernouris to caufe pame cum to Dunbar, xiiij s.

Item, to Gilbert Reoche to pas to Ingland with Letteris of my lord (Governor), at Poft, to Monsr. Planis, to Annivek,[9] . . . . . xxxviij s.

[1] The French Ambassador. [2] Bullets; gun-stones. [3] He was in Glasgow on the 21st, and in Linlithgow on 24th. Until the next extract, Letters were continually passing between him and the French Ambassador, &c. [4] The Elwalds, notorious Border Thieves. The name is now extinct. [5] See illustrations of this custom in Sir Walter Scott's *Antiquary*, last edition. These entries are regularly repeated annually, with additional gowns, purses, and money for the 'Almosaris,' or the King's Bedesmen, for each year of the King's age. It is only necessary to advert to such entries once, as the varieties which occur are generally very trifling, being chiefly additional furnishings for the Bedesmen, &c. [6] Numerous other Messengers, sent for the same purpose to other Barons, &c. [7] Alexander Gordon, third son of James Gordon of Haddo, ancestor of the Earls of Aberdeen. He died of a hectic fever, Jun. 29, 1518, having enjoyed the See only a short time. [8] See Jun. 3, 1516. [9] Alnwic.

Apr. 15.—*Item*, to my LORD CHANCELLAR to gif Lord Dakkaris man in THE CASTELL, iij French crownis, ... xlij s.

Apr. 23.—*Item*, to my lord (GOVERNOR) to play with my Lord Legat, IN SANCTANDROSS, at the dise, x lycht Fr. cr^s., ... vij li.

Apr. 28.—*Item*, to my lord GOUERNOUR to play at the clese,[1] (chess?) in SANCT JOHNNESTOUNE, ... xiiij s.

Apr. 30.—*Item*, &c. to play at the dise, in ix Fr. cr., ... vj li. vj s.

May 12.—*Item*, to James Stewart of Ardgowane and Johne Watsone, to pay part of expensis of the Kingis schippis in Dunbertane, be my lord GOUERNOURIS command, to gud compt, lxiij li.

May 20.—*Item*, for the beging of Buttis in the Abbay,[2] be my lord GOUERNOURIS command, ... xliij s. vj d.

Jun. 3.—*Item*, within nycht, to ane feruitonre pat passit to Ed^r, for to stop the Gadaring betuir the Erll Marschell and Lord Forbes,[3] in Abirdene, ... xiiij s.

Jul. 1.—*Item*, to Dauid Purvese, for to pass, be my Lord GOUERNOURIS command, to Berwik with Monsr La Fyet[4] . . . . . xxviij s.

Jul. 21.—*Item*, to Johnne Adamsone, to pass with vij clois Letteris[5] and ane patent Letter of my Lord GOUERNOURIS to pe Barones and Lardis of Lowtheane, for ane Assise apone the Maisteris of Glencarne and Mongumry, ... xvj s.

Aug. 8.—*Item*, to Johnne Balfour and to Bissatt, quhilk warnit the Lardis nerrast Edinburgh to ryd with my Lord GOUERNOUR, quhen he raid to Striueling with the Inglismen to se THE KING, ... iiij s.

Aug. 21.—*Item*, to THE ERLE OF ARGILE, Justice, remanand at the Aire in Dunde[6] xx dais, ilk day xl s. . . . . xl li.

Item, to THE CHANCELLARE remanand in Dunde in lykwyse xx dais, ilk day lvij s., *summa*, ... lvij li.

Item, THE THESAURER remanand ficlyk, ilk day xxx s., *summa*, . . xxx li.

Aug. 31.—*Item*, to Dauid Lowry, at passit with Letteris of my Lord GOVERNOURIS to the Lord Marwell and to the Lard of Cesturd, to keip the Bordouris, at na man suld pass to INGLAND without speciale Writingis and Licence, ... xxiiij s.

Sep. 24.—*Item*, to Dauid Lowry, to pass with ane Letter of our souerane Lordis, to poynd xxiiij Lordis and Lardis absentis fra pe Assise of Montgomry and Kilmawris, on SOUTH HALF FORTHE, ... xlii s.

Item, to John Langlandis, to pass on NORTH HALF FORTHE, to poynd xvij Lordis and Lardis absentis fra the saidis Assise—and deliuerit to him pe Extract of the Aire of Dunde to giff pe SCHIRREFF-PRINCIPALL, for distrenseing of the samin, ... xxviij s.

Sep. 29.—*Item*, deliuerit to pe said Langlandis, lxxviij letteris to gif to pe Lordis and Lardis in FYF, STRATHERNE, and ANGOUSE,[7] to keip pe vj and ix dayis of October in Ed^r, and to pass to the Bordouris paireftir, ... ('Pait before.')

Nov. 1.—*Item*, to Dauid Purvese, maser, quhilk raid with my lordis Letteris to Berbie, with Clerence,[8] and paireftir to Carlele to Lord Dacre, at my lordis command, . lvj s.

Nov. 5.—*Item*, to ane Johne Murray, quhilk tuk Symone Burne, and (quho) ves justifyit, pe half of the Eschet gevin to him, ... vj li. xiij s. iiij d.

[1] The word is erroneously written 'clese' in the Record. [2] Building of temporary BUTTS for Archery. [3] See Mar. 18 preceding. [4] LA FAYETTE, the Duke of Albany's Messenger. See *Pinkerton*, II, 161, &c. [5] A great many others dispatched. Duncan Riche was entrusted with Letters for 'xxv Lordis.' [6] These entries occur yearly, where the Expenses of the Aires form part of the usual expenditure. This is given as a specimen of the rest. 'COMPOSITOURIS' also generally attended, to compound for Remissions, Respites, Escheats, &c. &c. [7] Similar Letters were sent all over the kingdom. [8] CLARENCIEUX, one of the English Kings at Arms. Thomas Benolt was appointed to this office, Nov. 20, 1510; *obiit* May 8, 1534.

APPENDIX.

Nov. 12.—*Item*, to Boyntaus, fidlare,[1] *de mandato Domini*, be Maiſter Gualter, *primo die* PARLIAMENTI, ... x ti.

Nov. 22.—*Item*, to Wallaſe, quhilk raid on þe nycht to **Lord Dacre**, be command of **Monsr. Laubawte**, ... xxviij s.

Dec. 17.—*Item*, to Robert Hait, to ſommond **Lord Lestir**, SCHIRREFF OF HATHINGTOWNE, and diuerſe vtheris, **quhilk kepit nocht the day off Trew with Monsr. Labawty**, xviij s.

Jan. 3, 1516-17.—*Item*, to Eycht ('meſſinger') to ryd agane to Coldingham, Dwnſe, and Lawder, for executing of our ſouerane lordis Letteris on **George Howme**, *de Mandato Gubernatoris*, ... xviij s.

Jan. 9.—*Item*, to Eicht, &c. &c. **to cerse** (*ſearch*) **and seik George Howme**, with ſouerteis, vnder payne of Hornyng, ... xiiij s.

Jan. 18.—*Item*, in Perthi, to DAUID LINDESAY, **the Kingis Wschare**, for his Martimeſs fee,[2] *de Mandato*, ... xx ti.

Jan. 19.—*Item*, to **Clarence maune**, quhilk brocht ane **Finche** out of Ingland to Faulkland to my lord GOUERNOUR, ... xxviij s.

Jan. 27.—*Item*, for þe CHANCELLARE **Expensis in the Aire of Perthe**, remanand þair xxiiij dais, ilk day iij ti., *ſumma*, ... lxiiij ti.

Item, for þe JUSTICE expenſis, þe ſaid tyme, ... l ti.

Item, for the THESAURARIS expenſis, the ſaid tyme, ... xxx ti.

Item, for LORD ERSKYNNIS expenſis, þe ſaid tyme, ... xxx ti.

Item, for þe JUSTICE-CLERKIS expenſis, in lyk wyſe, ... xxiiij t.

Feb. 16.—*Item*, gevin to MAISTER GAWIN DUNBAR, **the Kingis Master**, to by neceſſar thingis for **the Kingis Chamer**, ... ix ti.

Mar. 1.—*Item*, to James Neſbyt, þat ſamyn day, for expenſis of himſelf and ij **Thebis that he brocht out of Dunbrattan** to my lord GOUERNOUR, and had agan, . . xlij s.

Mar. 22.—*Item*, deliuerit to Gilbert Reaucht, meſſinger, xij Letteris to warne all THE LORDIS AND BARRONIS OF THE VEST LAND to be in EDR, **at the Colar of Cokkylzeis taking, quhen** þe FRANCHE AMBASSATOUR **come**,[3] . . . . . xxviij ti.

Apr. 23.—*Item*, deliuerit be MONSR LABAWTEY to Johnne Langlandis, Letteris of our ſoueran lordis to ſomond and **charge all the Thebyse and brokin men out of Tuddale and Eisdaile to thair awin cuntre**; quhilk Letteris war Proclamit at þe Mercat-corſis of ROXBROCHT, SELKIRK, and JEDWOD, ... xx s.

Item, gevin to Robert Balze, **for ſwring of the Lordis Haw in Dauidis Tower of the Castel**, in EDR,[1] *de mandato Gubernatoris*, ... x s.

ITEM, *de mandato domini*, at Cragingalt, to xxv werkmen **berand** þe **hail Munitioune**, viz. pikkis, halbartis, billis, matokkis, ſpadis, ſchwlis, halbrikkis, with ſplenttis, **fra the Capitanis Towr to the Gowne-houſe** (Gun-houſe), an hail day and I half, ilk man viij d. on the day, *ſumma*, xxv s.

Item, to xiiij pynouris, **quhilk drew the Artalzere in the Castell, at the Kingis cumin to this towne**, ... iij s. viij d.

[1] One of the Ordinary MINSTRELS. [2] These payments occur, termly, in every account. [3] A number of ſplendid dresses are entered in the accounts at this period, preparatory to this grand solemnity. Offerings were made in ST GILES'S KIRK, all the 'bangyn,' or Tapestry, was brought from Stirling, and extensive repairs were made on the Palace of Holyrood. The dresses consist of 'Clayth of Gold,' 'crammasy sattin,' 'purpour vellous,' 'blak vellous,' 'gray vellous,' 'carrowit sattin,' 'blak trailze,' 'braid blak taffatis,' and 'reid taffattis.' One of the dresses, May 25th, is entered thus: 'ITEM, bocht fra *Evangelist*, xviij elne thre quartaris and ane half of blak vellous, to be JAKKIS, THE SECRET, and vtheris his campanzeonis hoggottonnis (*hacquetons*), price of the elne xlviij s., *ſumma*, xlvii li. viij s. iiij d. [4] There are numerous other payments for trein werk (wooden or timber work) for THE GRET HAW WINDOIS IN THE CASTELL,' 'gret gestis, doubill dais, &c. for 'THE MYD CHAMER,' 'THE KINGIS KECHING' (kitchen), and 'THE NEW COURT KECHIN,' in 'DAUIDIS TOURE.'

May 11.—*Item*, to Johne Adamſone, quhilk raid to **Bonkill to my Lord Angouse** with our ſoueran Lordis letteris, ... x ſ.

May 16.—*Item*, to ane manne þat paſſit to **the Erle of Craufurd** with my l. GOUERNOURIS Letteris; **quhilk wes ded** or he come to Dundé,[1] . . . . . vij ſ.

May 17.—*Item*, to Johnne Langlandis, quhilk raid with deligens, on þe nycht, to þe **Vardane of the Mydill Marche**, to be in EDINBURGH þe xx day of Maij, with my l. G^s. Letteris, deliuerit be **Monsr. Labawte**, ... xv ſ.

Jun. 15.—*Item*, bocht to Colene Campbell, THE KINGIS ſeruitour, **at the Quenis cumin to** ED^R, vj elne of grene Birgem ſettene, price of þe elne xij ſ., *ſumma*, . . iij li. xviij ſ.

Item, for iij quarteris and 1 half of blak vellous to begary þe ſaid Collere cott, price xl ſ. viij d.

Item, for half an elne of fuſteane to lyne the body of his cot, . . . xij d.

Item, for iiij elne of black gray to þe ſamin, price . . . . . v ſ. iiij d.

Item, for making of the coit, ... iij ſ.

Item, for half an elne of Inglis reid to be Collein hoiſe, ... x ſ.

Item, for lyning and making of the hoiſe, ... ij ſ.

Item, for 1 bonat and 1 ruban to þe ſamin, for Colin, ... xiij ſ.

Jun. 19.—*Item, de mandato Dominorum*, gevin to **the Inglise man that presentit the Clayth of gold come out of Ingland** to THE KINGIS grace, **in the Castell**, x light crounis, . vij li.

Jul. 5.—*Item*, deliuerit to Johnne Langlandis ane Letter, be command of the Lordis of Confell, to paſs for SCHIR PETER CRECHTOUNE **for deliuering of the Quenis gere out of the Wardrop**, x ſ.

Jul. 11.—*Item*, þat ſamin nycht, at xj houris lait, to ane boy of **Monsr. Labawte**, quhilk paſſit Eſtwart to þe ſamin effect, (viz. for þe **Barronis and Gentlemenne to be in ED^R incontinent, beil bodin**,) . . . . . v ſ.

Jul. 14.—*Item*, to **Lord Dacraris manne**, be command of THE LORDIS OF CONSELL, gevin him iiij lycht crounis, *ſumma*, ... lvj ſ.

Jul. 16.—*Item*, be command of THE LORDIS, gevin for **vittaling of the Bark to pass abowt to the West Sey**, quhilk come fra my lord out of **Brattanhe**, ... xx li.

Item, to Johnne Herkyll, be command of THE LORDIS OF CONSALL, **for taking of ane Theiff**, quhilk wes hangit one þe Burrowmvre, ... v li.

Aug. 21.—*Item*, to Johnne Adamſoune, quhilk raid to Peblis to ſomond **ane Assise for the Lard of Cruystoune**, ... xiiij ſ.

Item, to **the Falconeris that passit to France with my Lord Gouernouris halkis and merlzeonis**, be his command, for all expenſis, wittualis, and fraucht, ... l li.

Aug. 28.—*Item*, to þe manne þat brocht þe **merlzownis fra the Lard of Spot** to my l. GOUERNOUR; and þairefter deliuerit tham to **the Falconeris quhilk passit to France**, for xij dais waigis, ... xij ſ.

Item, to MAISTER GAWIN DUNBAR, **the Kingis Maister**, for expenſis maid be him in **reparaling of the Chamer in the quhilk the King leris**[2] **now** IN THE CASTELL, . iij li.

Item, be my l. GOUERNOURIS Precept, gevin for **furnessing of the Schippis**, and for cablis and wittalis, ... Vj^c.xvij li.

Item, gevin to my lord GOUERNOUR, in monie, as his Precept and acquittance beris vpoune þe ſamin, **at the West Sey**, ... ij^m.ij^c. and l li.

Item, for ij gret lokkis and keyis, with ſlottis and ſtapillis **for the Kingis Chamer, he remanand in Cragmillar**,[3] . . . . . xij ſ.

[1] See *Wood's* Peerage, (1, 378.) Alexander, *sixth* Earl of Crawford, is stated to have died in anno 1517. From this entry it is likely that he died on May 14 or 15, 1518. [2] The chamber in which the King is taught; the School-room. [3] This and the following entry were selected to mark the fact of THE KING's residence at *Craig-*

APPENDIX.

Item, to Robene Purvefe, for fchoyne, howfis, breddil, and helteris bocht for **the Kingis mwle**, ... xx ſ. vj d.

Item, for twa ſmall ſtok-lokkis in Cragmillaire, ... v ſ ij d.

Item, for ij gret lokkis bocht for ij ȝettis in Cragmyllare, be command of MONS[8] LABASTY, **quhen the King was thair**, ... xij ſ.

17.—**The rvij day of September obijt Labastye.**[1]

Oct. 6.—*Item*, to **pe Reparis of Mons. Labastyis lugeing**, *ex mandato Dominorum*, before Schir James Leirmonth, ... xl ſ.

Dec. 26.—**The Summondis of Treasoune apoun Weddirburne.**

Item, deliuerit to Dauid Loury and to Johnne Langlandis, Meſſingeris, **pe Summondis of Treasoune** direct apoune **pe Lard of Weddirburne**, and his complices to compere in Edinburghe pe xviij day of Februar nixt paireftir,[2] . . . . . xlij ſ.

Feb. 18, 1517-18.—**Pume and Weddirburn, the Lettirs direct for the Raid in the Merse.**[3]

Item, deliuerit to Gilbert Reauche, Letteris of our fouerane lordis to baif to **pe Scheriffis** of MENTETHE, STRATHERNE, PERTHE, and CLAKMANNANE, at[4] **pe Lordis, Barouis and btheris substancious men suld meit my Lord Arran, Regent** and Liftenent, in LAUDER, pe xxj day of Marche nixt hereftir; vnder pe pane of lif, landis, and gudis, to paim pat comperit nocht,[5] xxv ſ.

Mar. 6.—*Item*, to Andro Dalmahoy, ane Precept to warne **all pe Gentilmennis Oftin**, within pe Conftabulary of HADINGTOUNE and EDINBURGH,[6] to keip pe xvij ('xxj') day, . xviij ſ.

Item, to Dauid Cammeroune, 1[7] Lettre **to be speid to pe Lord Dacre**, . . xlij ſ.

Item, for 1 tow of xxiiij faldome,[8] bocht **to draw the Gunnys with** for pe faid **Raid**[9] **in the Merse**, ... xiiij ſ.

Item, to (Robert) Borthuik, **Master Gunnare**,[10] to furnyfe thingis for pe **Gunnys**, be command of pe Lordis, ... lcij ſi.

10.—*Item*, for **aile to the Waiche** (watch) **that nycht my lord Regent lugit in Lauder**, to ane part of the Fuitband, ... viij ſ.

Item, pat famyn nycht to pe **Franche Talbanaris and Menstralis, that woik and playit all that nycht**, in aile, ... viij ſ.

15.—*Item*, ane horfe to DAUID WAICHE **that bure the Ensenze**, *de mandato domini* REGENTIS, ... xxviij ſ.

millar. The cause of his removal has been recorded by *Bishop Lesley*, who states, that 'THE QUENE being in Ingland, heiring of the departing of THE GOVERNOUR furth of Scotland, returnit to Edinburghe, the xvij day of Junij, with ane quiet trayne; bot wes nocht admittit to vissie THE KING in the Castell; quhill, in August thaireftir, *becaus thar wes sum feir of* THE PEST in the Castell, THE KING wes transportit to the *Cragmillar*, quhair THE QUENE vissiet him oftymes. Bot thair-throuch rais ane greit suspition that he suld have bene stollin away be her into INGLAND; and thairfoir he wes brocht againe to the Castell of Edinburch, and wes keipit thair to the returning of THE DUIK.' *Bannatyne Club's* Edit. p. 109. Extraordinary precautions were accordingly adopted, and many payments are made for articles for the King's use and diversion. See also *Pinkerton*, II, 168.

[1] Messengers were dispatched to all parts of the country, and the Session and Parliament summoned. See I, * 235. *Pinkerton*, II, 170, relying on former authorities, fixes the date Sep. 19. See also *Buchanan*, B. xiv, 10; *Lesley*, p. 110; *Balfour*, I, 245; and *Pitscottie*, 307. [2] It is unnecessary to add the other entries for summoning Witnesses, Assise, &c. &c. They are numerous, and prove that the utmost vigilance and activity were employed to bring the Murderers speedily to justice. [3] These and the preceding notices appear to have been entered merely as explanatory *memoranda*, without any reference, excepting to the subsequent expenditure in the Account. [4] That. [5] Others were sent to the various shires, &c. [6] Notifications and warnings for attendance, &c. were sent to LAUDER, HATHINGTOUN, and PEBLIS. [7] A favourite abbreviation for 'ane' at this period. [8] A rope of twenty-four fathoms. [9] It is unnecessary to multiply entries of a similar description. It appears that there were two RAIDS. The carters were allowed wages for 'the first Raid ix dais and vij dais furth at the vthir Raid.' [10] This person founded a great many Guns in the reigns of KINGS JAMES IV and V, all of which he quaintly inscribed thus—(See *Lesley*, p. 81. *Balf. Annales*, I, 232, &c.)

MACHINA SUM SCOTO, BORTHUIK FABRICATA ROBERTO, JACOBO QUARTO REGE JUBENTE PIO.

Item, to SCHIR JOHNNE HAMMYLTOUNE, **for gaddering of his first Band**,[1] and for his gaddering of ȝame in ȝe cuntreth, in expenſis, ... x li.

Item, to Schir Johnne Hammyltoune, for his **double pay**, . . . lj li.

Item, for ȝe ſaid Schir Johnnis **Enſenȝe**, ... vj li. iiij s.

Item, to iij^c and ix **Fut men in his Band**, ... iij^c and ix li.

Item, to CAPITANE GLENNE for his **double pay**, ... xxv li.

Item, for his **Enſenȝe**, ... vj li.

Item, to an hundrethe and ij **Fut men in his Band**, . . . I^c ij li.

Item, to CAPITANE GLENNE v deid pais,[2] . . . . . v li.

Item, to ȝe **Master of the Artailȝerȝe**, ... I^c li.

Item, for ȝe **Kingis Baner**, in all coſtagis, viz.: iiij elne of double caſſattis of Turky, price of ȝe eln xx s., *ſumma*, ... iiij li.

Item, iiij vnce of reid and grene ſilk maid in frenȝeis, price of ȝe vnce and werkmanſchip, vj s. viiij d., *ſumma*, ... xxvj s. viij d.

Item, for ij bukis of fyne gold, price of ȝe buk, iiij li., *ſumma*, . . . viij li.

Item, to **the Payntour**[3] for his werkmanſchip, ... v li.

Item, for ane caiſe to turſe and keip ȝe ſaid Baner, ... iiij s.

Item, to ȝe CONSTABLE OF DUNDE. **Bannerman to the King**,[4] for his fee, *de mandato Dominorum*, ... I^c li.

Item, ȝat ſamyn day to **Marchmond Herrold**,[5] quhilk raid with **cloiſe Letteris of the Lordis to Londin**, in expenſis, ... xxx li.

18.—*Item*, to **Schir Johnne Hammyltonis Fut-Band**, at ȝair agane-cumin in **Sowtray**, for ȝar ſupper ȝair, ... xxij s. vi d.

Item, to Capitane Glennys Fut-Band, in likewiſe, ȝat nycht to ȝar ſupper, ȝar wagis beand ſpendit, ... vij s.

Item, to **Schapany**,[6] **Herrold of France**, *de mandato Dominorum*, I^c cronis of wecht, *ſumma*, ... lxxxx li.

Item, ȝairattour,[7] in ane purſe of lycht cronis, ... v li.

Item, to SCHIR JAMES HAMMYLTOUNE[8] **quhilk passit that tyme to France**, *de mandato Dominorum*, for his expenſis, ... I^c li.

May 21, 1518.—*Item*, for a Lettre of Summondis raſit vpoune my **Lord Drummond for ȝe violence committit apone Andro Toschaw**, ... vj s. viij d.

Jun. 23.—*Item*, to Alexander Kermage, meſſinger, quhilk ſummond ȝe **Erle of Rothes** and **Master of Lindesay** to be in EDINBURGH within iij dais nixt ȝaireſtir, vndir ȝe pane of Treaſoune, ... vij s.

Item, to COCHRAN, ȝe **Herrold of Denmark**,[9] be command of ȝe Lordis, . I^c xlv li.

Aug. 1.—*Item*, to my **Lord Arran, Regent and Liftenent of the Merſe**, be command of ȝe Lordis, takand monethly in wagis, I^c and l li., in complete pament of ſeviu monethis and ane half,

[1] These mercenaries were then termed 'BANDIS OF WAGEOURIS,' in contradistinction to the irregular troops who were bound to perform military service, by virtue of Feudal tenure, &c. [2] Seemingly the pay of five soldiers, who had died. [3] Probably 'Alexander Chalmour.' See Jul. 23, 1515, of these extracts. [4] The family of Scrymgeour, Constables of Dundee, enjoyed the honourable Office of heritable Banner-bearers to the King; which post of carrying THE ROYAL BANNER, they could only claim in the event of THE KING's actual presence in the field of battle, or when his Banner was borne before his Regent. The Heritable Standard-bearer bore THE GREAT STANDARD OF SCOTLAND in Battle, in all Wars where it was ordered to be unfurled, whether the King or his Regent, or merely his Lieutenant or General, were personally present. See Apr. 30, 1523, of these extracts. [5] On Jul. 22 preceding, he got for his year's fee xx li., and 'for making of his expensis throcht Ingland to my lord Gouernour, l li.' [6] Champanzee. [7] Over and above. [8] Of Finnart. [9] Christiern II, King of Denmark, an ancient ally, had applied for a force of 1000 Highlanders to assist him in subduing his rebellious subjects of Sweden. The demand was parried, on the score of the disturbances which had broken out on the Borders of Scotland, &c.

fra pe firſt day of October, to pe myddis of pe moneth of Maij, within pe tyme of pis Compt, Im^l^c xxvti.: And paireftir for **Lord Abenckale**,[1] . . . . . xxvij li.

27.—*Item*, deliuerit to Robert Hart, Meſſinger, a Lettre of our ſouerane lordis to ſummond pe Erlis of Anguse and Levenox, plegis for **Lord Creichtonne and Lard of Drumlanrig for breking of Lauborowis**, ilkane apone vthir, to be in Edinburgh pe vj day of September nixt cumis, ... xxviij ſ.

Sep. 4.—*Item*, to Henry Wardlaw of Kilabertoune, for ane of his, quhilk wes ſlayne vndir the grete gwne at pe **Raid of Weddirburne**, ... iiij li.

[An unlucky *hiatus* occurs in the Volumes of the Treasurer's Accounts between this period and the year 1523.]

Apr. 2, 1523.—*Item*, deliuerit to Johne Adamſone pe Kingis Letteris, to be proclamit in Hadingtoune, Dalkeithe, Dunbar, and vpir places neceſſar, within pe ſaidis boundis, pat all maner of men prepare paim, in pare beſt faſſone bodin, and **follow haiſtelie quhaireuir thai firſt see ony Balis of fyre, for resisting of Inglismen**, ... x ſ.

Item, to Johne Langlandis to be proclamit in Selkirk, Lauder, Roxburghe, and Forest of Ettrik, ... xiiij ſ.

Item, ſiclike, in Edinburgh, Linlithqw, and Peblis, ... x ſ.

29.—*Item*, at x houris lait, deliuerit to Robert Hart, meſſinger, ane Letter ſubſcriuit with pe Lordis, **aduertesand my Lord Arrane that the Inglis men war cumand to sege Blacader**; and raid pat nicht at pe poſt to him, gevin to pe berare, ... viij ſ.

Item, ſiclike Letteris to **my Lord Chancellare**,[2] . . . . . vj ſ.

Item, ſiclike Letteris to pe **Erle of Mortoune, Newbattill**, and to pe **Lardis** of pat quarter, ... iij ſ.

Item, pat ſamyn nycht, ſend Johne Langlandis to pe **Lard of Weddirburne**, aduerteſand him pat **my Lord of Arrane and succurris suld haist thaim to him**, be command of **my Lord Grosolez**[3] and Lordis being in Edinburgh for pe tyme, ... vij ſ.

30.—*Item*, pat ſamyne nicht ſend for **the Baner** to Dundé, and for pe Constabill[4] and his fernitouris to haiſt pame to Hadingtoune to my Lord of Arrane,[5] . . . . vij ſ.

Jun. 7.—*Item*, ſend ane cloſe Lettre vnder pe Signete to **my Lord Chancellare**, ſchewand, pat **the Inglismen war to cum, and gaderand faſt**, ... ij ſ.

Item, ſend to Kynnele, for aduertiſing of **my Lord of Arrane**, pat the **Inglismen war cumand and enterand within the realme**, ... xxx d.

Jun. 10.—*Item*, gevin to **Albany Herald** ane Lettre, &c. to **charge the Erle of Leuenar to cese fra all gadering and Assegeing of the Palice of Glasgw**, ... xxviij ſ.

Jun. 15.—*Item*, to ane man pat paſt with pe Officiale of Louthiane, Letteris to Lauder to be execut in pe Kirk, quhilkis Letteris war **takin be the gait and the man bostit and fleit**,[6] . . . . . iij ſ.

[1] A number of other payments are made to the Constables of Wedderburne and Edrington, and for victualling these Castles, &c. [2] James Beaton, Archbishop of St Andrews. [3] *Pinkerton*, II, 212, calls this personage 'Gouzolles, denominated Captain of Milan.' He was joined to John *fourth* Lord Erskine in the custody of the King, and 'with a guard of thirty-three Frenchmen was also to attend the Queen.' His appointment by Albany excited much disgust on the part of the nobles, who saw each fresh installation of foreigners into posts of dignity, with increased indignation. See also Oct. 16, 1529, of these Extracts, where he is called 'the Duke of Millane.' [4] The Scrymgeours were heritable Royal Banner-bearers. See Note to Mar. 15, 1517-18, of these Extracts. [5] A great many similar messengers were dispatched, unnecessary to be enumerated in this place. [6] Threatened and terrified. Repeated instances of violence done to public Officers occur in these Records.

Jul. 6.—*Item*, ane Lettre chargeing þe COMPTROLLARE to provide victuallis for iiij^c persones to þe CASTELL OF ED^R. for keping the samin fra Inglismen, . . ij š.

Jul. 16.—*Item*, reffauit xiij Letteris direct to ALL þe PRELATIS of þe REALME, for generale Processionis to be maid for the weilfare of the realme, prosperitie of our souerane lord, and sure hayme-cuming of my Lord Gouernour; for all þe Lettris fra TAY, North, . xxviij š.

Item, þe vthir half on South half FORTHE, &c. . . . . xxviij š.

Sep. 20.—Adventus domini Gubernatoris, *xx^o die mensis Septembris, anno domini* I^m.V^c. xxiij^o.

Sep. 25.—*Item*, to Carrik Herald, *de mandato Cancellarij*, quhilk convoyit Clarence,[1] INGLISMAN, to Dunbertan, ... xl š.

Sep. 26.—*Item*, to ane man þat past with secreit chargis of my Lord GOUERNOURIS to England,[2] . . . . . xl š.

Oct. 18.—*Item*, to Johnne Gourlaw to arrest all the Schippis in Leithe; and alse to warne and charge all þe Maltmen, baith of Leithe and Cannogatt, to haue aill and malt reddy for the Camp, ... ij š.

Oct. 22.—My Lord Gouernour departit towart New Werk (*die*) *Jouis, xxij^o Octobris*, and þat samyn day delinerit to Johnne Scrimgeour, maser,[3] ane Lettre direct to þe Scheriffis of PERTHE, STRAITHERNE, MENTETHE, CLAKMANNAN, KINROSS, FIFE, þat all abill men within þa boundis follow my lord GOUERNOUR,[4] &c. . . . . xl š.

Oct. 28.—*Item*, ane Lettre to be execute and proclamit in LEITHE, &c.[5] þat na Northland men returne outre the Watter, to[6] þe agane cuming of my lord GOUERNOUR fra þe Camp, under the pane of deid, ... v š.

Nov. 3.—*Item*, deliuerit to Androu Dalmahoy, þe LORDIS ANSUERE of the Erle of Surreis Lettre, to be sped to my lord GOUERNOUR to þe CAMP, gevin to him, ... x š.

Apr. 17, 1524.—*Item*, deliuerit to my Lord Grosolez[7] þe tyme of my lord GOUERNOURIS last remanyng in France, ... I^m ix^c xxiij li. iij š. vj d.

Item, to James Crechtoune of Cranstoune-Riddale, CAPITANE OF þe CASTELL OF ED^R, for expensis maid be him aponne þe sustentatioune of Donald of the Ilis, Patrik Wilsoune, Cammoufe, Francheman, and diuerse vperis being in Ward, &c. . . . xlj li. xv š.

Aug. 25, 1525.—*Item*, for ane horse to bere þe KINGIS Mail[8] to Peblis, gevin to Dauid Bonar, ... xx š.

Oct. 8.—*Item*, gevin to þe INGLISMAN þat brocht Blawin hornis,[9] leschis, and dog-collaris, fra the King of Ingland, ... lx Vnicornis.

Item, to Dauid Lowry ane Lettre to sommond the Erle of Craufurd, *de mandato Dominorum*, ... xx š.

Nov. 19.—*Item*, deliuerit j Lettre to Dauid Cammeron to warne THE LARD OF HENNERLAND[10] and ADAM SKOT[11] to fynd plegis, ... xx š.

Nov. 23.—*Item*, deliuerit to James Kinloch j Lettre to fomond Lord Ogilvy and his complices to be in ED^R, Dec. xij^o. to vndirlye the law for Dauid Gardinis Slaughter, . xx š.

Dec. 16.—*Item*, deliuerit to him an Lettre to fommond Schir James Hammilton to vnderlie þe law, ... xiiij š.

[1] Clarencieux King of Arms. See Nov. 1, 1516, of these Extracts and *Note*. [2] A great many warrants were likewise dispatched to the different SHIRES and RELIGIOUS HOUSES, to furnish all their carriage-horses and draught-oxen for the great Guns, &c. 'tentis and paiizeonis,' provision, &c. &c. [3] Macer. [4] Similar Letters were dispatched to the other Sheriffdoms The 'Feriaris' (ferry-men) of LEITH, KINGHORN, and QUEENSFERRY, were interdicted from raising 'ony fraught bot the auld fraught, vnder the pane of deid.' And tenants, &c. under the same penalty, to take only the old prices for corn, straw, &c. [5] The 'Caiggearis and fischearis of Mysselburghe, Gulane,' &c. were ordered, 'that thai haue, ilk day, thare fische to the Camp.' [6] Until. [7] See Apr. 29, 1523, of these Extracts. [8] Portmanteau. [9] Hunting Horns. [10] William Cokburne of Henderland. [11] Of Tuschelaw. They were both executed for their crimes, on May 16 and 18, 1530. See I, * 144, &c.

APPENDIX.

Jan. 1, 1525-26.—*Item*, þat nycht, eftir supper, in **Mummyn**,[1] . . xx li.

Item, bocht for **New-Yeris giftis**, þat famin day, of **Kingis**, . . xxxj li. iiij s.

Feb. 16.—*Item*, gevin to ane Ingliseman, messinger, Lettres of **Ansuer to the Erle of Westmurland and Doctour Magnus**, *de mandato*,[2] . . . . xxviij s.

Jun. 29.—*Item*, gevin for **eggis to bikkir the Castell**, . . . xv s. vj d.

Item, for ballis in **Crummise cache-pupll**,[3] quhen þe Kingis grace playt with þe Lord Glammise, ... xx s.

Jul. 10.—*Item*, gevin to **the Empriouris Persewand**, at þe King and Lordis command, xxx li.

Jul. 17.—*Item*, gevin at þe Kingis command, till **puyre wiuis þat come gretand apone his grace, for eggis takin fra þame** be his feruandis,[4] . . . . . xx s.

Jul. 22.—*Item*, gevin, in Jedburghe, to þe Inglis Herrot, at þe King and Lordis command, l li.

Aug. ?—*Item*, deliuerit to **the Gray Freris**, for lxiii vncis **siluer, stolin fra the King, and rebelit to thaim in Confessiounc**; be the Kingis Precept, to þe men þat had the faid filuer werk in wed,[5] . . . . . xx li.

Aug. 7.—*Item*, for velnus **to bind the Kingis Swordc handis** and to be **ane gluve till his saire hand**, with makin and fevin (*fewing*) filk, ... xx s.

Sep. 8.—*Item*, to Gourley and Hoge, meffingeris, to fummond þe Erle of Cassillis, þe Lord Simpill, and vþeris contenit in ane **Summondis of Tressoun**, for þair expenfis, vj li.

Oct. 16.—*Item*, to Kinloch and Echt, meffingeris, ane **Summondis of Tressoune** apon þe Erle of Craufurd, þe Lord Lindsay, and vþiris, ... iiij li.

Dec. 6.—*Item*, gevin to William Criftefoun, meffinger, to fommond Witnes, vndir gretar panis, to preif þe **breking of Lawborrowis** be þe Lord Simpill vpoun the Lard Caldwell, xx s.

Mar. 1, 1526-7.—*Item*, to **John Drummond, callit the Kingis Kemp**,[6] be his precept, xv li.

Mar. 14.—*Item*, to the Secretaris feruand, to geif a Inglifman þat brocht **Letteris fra the Duke of Richemont**[7] to the Kingis hienis, **complenand on the Armestrangis, Crosaris**, and **Pekesonis**, with vþeris, ... iiij li.

Apr. 19, 1527.—*Item*, to Petir Ra, þat brocht writingis fra **the Duke of Richemont**, &c. iij li.

Item, to **the Nurise that gaif the King soulk**,[8] be his Precept, . . iiij li.

Apr. 25.—*Item*, to a **Fule, callit Gille-mowband**,[9] at þe Kingis command, . xx s.

May 12.—*Item*, to Criftefon, meffingeir, **to summond the Lard Ardrose**, his fon, and þair complices, to vndirly þe law for þe **Rybing**[10] **of the Kingis Letteris**, and to fummond ane Affife, &c. . . . . xxviij s.

May 20.—*Item*, to James Biffait, meffinger, with a Lettre direct to Menteth, Strathern, Clakmannane, and Kynross, with iij clofe Letteris to the Erle Montrose, Lordis Glammis and Oliphant, to convene at Ed^R. þe xv day of Junij, with þair houfhaldis, **to ryde on the Theiffis**,[11] . . . . . xxx s.

Jun. 1.—*Item*, to Champnay, meffingeir, to fummond **the Lard Tullyallounc** to vndirly þe law for þe **Slaughter** of John Greiff, ... xiiij s.

[1] See this Collection, I, * 114, &c. [2] Another Messenger was dispatched on 1st March. [3] The game of Tennis, called caitche pell, caiche, kache, &c. in the old Records, was a very favourite game at the Scottish Court, during this and the preceding reign. There are numerous traces of it through the whole of these Accounts. The curious and valuable Registers of *Aberdeen* also abound in similar notices. [4] From another entry, on Jun. 29, it would appear that the servants had invented a foolish sport for the young King's amusement, being a mock Assault of a Castle, the missiles on both sides being eggs. It may easily be imagined, in what a plight both victors and vanquished would be after a cessation of hostilities. [5] In pledge, or pawn. [6] The King's Champion. [7] On Mar. 8, his servants, who were entrusted with ten couples of 'rachis' (hounds), got fifty pounds for their 'rewardis.' Their first achievement was to worry three sheep, for which the owner, 'a pure woman,' was paid xx s. [8] The King's Wet-nurse. [9] Probably so nicknamed for his dexterity in making grimaces. [10] Tearing in pieces. [11] Other Messengers were sent in different directions. See notice of this Raid against the Armstrongs, &c. I, *152, &c. Reference may also be made to the preceding Appendix.

Jul. 25.—*Item*, to a Inglifman pat brocht **Lettres fra the King of Ingland** to the Kingis grace, ... xl ſ.

Item, given to William Lyell, be pe KINGIS Precept, for **lynt, cale, and corne diſtroyit be his ſeruandis at the Puntiug**, ... v ſ.

Item, to James Biſſit, to ſummond GEORGE BORTHUIK OF COLYNELAW to vndirly pe law for **Slauchter** of vmq^le Philp Neſbittis dochter, ... vii ſ.

Jul. 31.—*Item*, gevin to DENE DAUID JAMESOUNE, **Sacriſtane of Newbottill**, in recompenſe of a **gitt challice ſtollin furth of the Abbay of Newbottill**, THE KINGIS hienes being pair, be pe KINGIS Precept, ... xv li.

Aug. 12.—*Item*, to Peter Ra, Inglifman, pat brocht writingis to THE KING fra **the Duke of Richemontis Counſaill**, ... iij li.

Item, to Criſtefon, to pas to Perthe; William Duncan, to pas to Schir James Hammyltoun; James Biſſait, to **ſummond the Lard Bukcleuche for Treſſoune**, for pair expenſis, xlviij ſ.

Aug. ?—*Item*, to pe LARD OF SPOT, in recompenſe of **Eittalis furniſt be him to the Caſtellis of Hume and Weddirburn**, and for cornis pat wes brint and diſtroyit be pe LARD OF WEDDIRBURN, for his dampnage and ſcaith; be deliuerance of pe LORDIS OF CONSAILL, . I^c li.

Item, to LORD MONTGOMERY, **Juſtice**, remanand continualie at **the Airis of Forfar, Perth, and Cowpar**, fra pe ferd day of Januar to pe xxiij day of Februar, to his expenſis, I^cxx li.

Item, to pe BISCHOP OF GALLOWAY, ane of the **Compositouris** at pe ſaid Airis, lx li.

Item, to THE THESAURAR, and vpir **Compositouris**, for his and pair expenſis, **the Kingis grace beand diuerse dennaris thair**, ... I^clxxxiiij li.

Item, to NICHOLE CRAUFURD, **Juſtice-Clerk**, ... xl li.

Item, to (SCHIR) WILLIAM SCOT OF BALWERY, kny^t, remanand continualie, in abſence of pe Juſtice, ... I^c li.

Sep. 6, 1529.—*Item*, to DINGVALE, Purſevant, pat paſt with wrytingis of pe Lordis of Secrete Counſale to **the Erle of Northummerland**, ... xxx ſ.

Item, to ILAY, Herald, pat paſt with THE LORD HUME, **for expelling of John Hume of Blacater**, ...[1]

Sep. 18.—*Item*, to Champnay, meſſinger, pat paſt with THE KINGIS writingis to warne ane condigne ASSISE to convene pe xiij day of Oct., betuix **the Lord Drummelzar** and **the Lord Fleming**, ... xxv ſ.

Sep. 22.—*Item*, deliuerit to Robert Monypenny, ſmith, tane fra[2] Maiſter Adame Ottirburn, xvj ſtane v lib. of Spanze irne, **to mak pikkis and mattokis for carying of the Cannone that past in the Islis**, price . . . . . iiij li. x ſ.

Sep. 24.—*Item*, deliuerit to Andro Edgare tua ellis of Pariſe blak, to be (ane cloik?)[3] to pe King, **to ryde to the Punting in Megotland**, price, elne, xxx ſ., (*ſumma*,) . . iij li.

Oct. 16.—*Item*, to ane ſeruand of Mr Johne Cheſolmis pat **preſentit bowis and arrowis** to THE KING, ... xx ſ.

Item, to **the Duke of Millane**,[4] at pe Kingis command, ... xl ſ.

Nov. 24.—*Item*, gevin to THE LORD FLEMING, at THE KINGIS command, **in mauer of tochir to his ſiſtir**, ... iiij^c. li.

[1] The sum is torn out. [2] It may here be remarked that this phrase throughout these Accounts merely denotes the articles to be *purchased* (not literally *taken*, which implies force) from certain persons. In many instances, were this circumstance not kept in view, an ordinary reader would infer that THE KING had often seized upon the property of burgesses, &c., and had afterwards, on their importunity, remunerated them for the violence he had employed. The quaint language employed in these Records requires considerable attention, and a minute knowledge of the phraseology of the period, to appreciate their full import. [3] Under date Oct. 2 there is another payment to the same person, for 'twa elne pylie gray to be ane cloik to the King, xxvj s. viij d.—*Item*, for schoring of the samyn, iiij d.' [4] It is probable that this personage was 'MY LORD GROSOLEZ,' or 'GOUZOLLEZ,' who occurs under date Apr. 29, 1523 (q. v. and *Note*.)

APPENDIX.

Jan. 8, 1529-30.—*Item*, for carying of the Pailzeonis[1] fra Peblis to Meggotland, (to 'THE HUNTING') and agane, ... iij li.

Item, for ane elne and ane half of trailze, for ane gowne of blak veluot, lynit with claith of gold, gevin to the Ambassiatour of Inglande,[2] . . . . . vj s.

Mar. 14.—*Item*, to THOMAS QUERTOUN (Wharton), fernand to pe Erle of Northummirland, pat come for redreſs and remanit, ... Ic. li.

Item, to DAUID LINDESAY,[3] pat paſt with him, ... xv li.

Item, to Malcolme the Fule, be ane Precept of THE KINGIS, thre elnis ruſſate, price xxxvj s.

Item, fyve quarter of trelze, price . . . . . vj s.

Item, to THE ITALIANE, pat come with pe Archidene of Sanctandrois, . xl li.

Item, to JOHNE HORSLIE, Inglifman, be THE KINGIS command and Lordis of Counſale, xx li.

Item, to Thome Marſchale, CUKE, passand with the Secretar to Ingland, Franche, Italie, &c. . . . . x li.

Item, to DINGVALE, Herald, pat paſt with THE SECRETAR, . . . xij li.

Item, to Anthone, TALBONAR, at pe Kingis command, ... xv li.

Item, to THE SECRETAR, Ambassiatour, . . Im.iijc.xxxiij li. vj s. viij d.

May 12, 1530.—*Item*, to Hoge, meſſinger, pat paſt in Ingland with THE KINGIS writingis, xij li.

May 25.—*Item*, to Ormond, Purſevant, and ERGILE, meſſinger, to pass in the Ilis, at THE KING and Lordis command, ... xi li.

Item, to the Egyptianis that dansit before the King, in HALYRUDHOUSE, . xl s.

Jun. 1.—*Item*, delinerit to THE LARD OF BUKCLEUCH, for the taking of Penman, tua elne and half of claith of ſiluer, price elne ix li., *ſumma*, ... xxij li. x s.

Jun. 18.—*Item*, to Hecht, (Echt, meſſenger,) pat paſt to THE LARD OF SANDELANDIS for pe tua Scottis Theiffis, ... x s.

Jun. 26.—*Item*, xxiiij halbartis for THE KING, price pece vj s. viij d., *ſumma*, . viij li.

Item, deliuerit to Dauid Bonar for THE KINGIS grace, thre letacampt beddis,[4] ane in Striueling, ane in Edinburghe, the thrid in pe Wardrop of Edinburghe, be Johnne Drummond, price xx li.

Jul. 6.—*Item*, to ane Purſevant pat paſt to Peblis, Selkirk, and vpir placis with THE KINGIS Letteris, discharge ing all maner of personis of resetting of the Theiffis gudis,[5] . xx s.

Item, to ILEY, Herald, pat come fra THE KINGIS grace to stop the Ferryis, (againſt thoſe) pat paſt fra THE ARMY, &c.[6] . . . . . .

Jul. 20.—*Item*, gevyn to GAWYNE HAMMILTOUN and his cumpany to ryd to Melrose, v li.

Jul. 21.—*Item*, for twa lang malis, with twa lang braiſſis to pame, to cary the Kingis Leitacampt and Stule[7] to the Oist, of ſindry prices, ... iij li. xiiij s.

Item, for cairſay, to covir pe ſaid ſtule pat paſt to pe Oiſt, price . viij s. vj d.

Item, for ane steile-bonet,[8] price . . . . . x s.

Aug. 2.—*Item*, to KYNTYRE, Purſevant, pat paſt to pe Erle of Northummirland with directionis of THE KINGIS, ... iiij li.

Item, to OLIPHANT, Purſevant, pat paſt with pe ſaid Gawyne to Melrose, . xx s.

Item, to MARCHMOND, Herald, to pas with Letteris to Aberdene, to Arreiſt the Sey-Rebaris (Pirates), ... iiij li.

[1] The Royal Pavilions. These entries are noticed to mark the event of this great HUNTING. [2] It is unnecessary to specify all the furnishings, among which are 'aucht dosane of poyntis,' 'vij' and 'xvij martrik skynnis,' &c. Numerous dresses of 'gownis,' 'cloikis,' 'mantillis,' &c. were made for THE KING at this period of 'veluot,' 'silk,' 'satyn,' &c. [3] Sir David Lindesay of the Mount. [4] O. Fr. *Lit du camp*. The King invariably took one of these to his Hunting excursions and to the Field of Battle. [5] Several similar payments. [6] The sum obliterated. [7] His 'Stule of eise.' [8] A great variety of similar entries at this period.

Aug. 8.—*Item*, to Williame Mure, þat paſt in **Annanderdale and Tevidale**, to warne þe LARDIS þairof **to bring in their pleges** agane þe xxv day of Auguſt, and **presoneris**, . xl ſ.

Item, to Williame Stratherne, meſſinger, þat paſt in þe Weſt cuntre to ſummond ane Aſſiſe, and **to summond James Wallace of Carno for Tressone**, . . . xl ſ.

Item, to Johne Parduvyne, maſer, to ſummond certane Lordis to be vpone þe **Lord Way of Zesteris Assise**, þe xxv day of Auguſt, ... xxx ſ.

Item, to Gawane Hamilton, and vþeris, ſeruandis of þe KINGIS, þat **brocht the Abbot of Melrosis scheip to Linlithqw**, attour [1] v li. gevin of before, . . . iiij li. x ſ.

Item, gevin to JAMES GORDOUNE OF LOCHINVER for his Remiſſioune, and vþiris thretty perſonis, his kynniſmen,[2] as þe KINGIS Precept beris, ... Ic li.

Item, to **the Lokman** [3] of ED^R, þat come to Linlithqw þe xxv day of Auguſt **to hang certane Theiſis**, ... xiiij ſ.

Item, for **vaching** [4] **of the said Theiſis**, ... viij ſ.

Item, to þe LARDE OF JOHNESTOUNE and Edward Maxwell, **for taking of ane Theif and bringing of his heid** to ED^R, in contentatioune of Ic li. grantit be þe KINGIS grace to þame, l li.

Aug. 15.—*Item*, to **the France Ambassiatoure**, for his rewarde, . . . ijc li.

Item, to Agnes Quhite, for his lugeing, þe tyme he wes in Dundie, . . . iij li.

Item, to MARCHEMOND, Herald, **that past in France the Kingis erandis**, . l li.

Aug. 23.—*Item*, to **King Cristall**,[5] ſervand, ... xx li.

Aug. 29.—*Item*, to ane ſervand of **Schir Williame Ebir**, Inglifmanne, **that come for Valkis**, ... vj li.

Item, to ane PURSEVANT, to paſs to convey þe ſaid Inglifemanne, with **twa Valkis**, ſend fra þe KINGIS grace to þe ſaid Schir Williame, ... iiij li.

Sept. .—*Item*, to ane Perſewant to paſs with Letteris to þe Larde of Bukcleuche for þe apprehending of þe ſlaaris of Maiſter Johnne Balfoure, ... xx ſ.

Oct. 1.—*Item*, to ane boy þat ranne furthe of Dundé to ED^R, for **ane summondis** onne þe **Lord Forbese**, ... iij ſ.

Oct. 2.—*Item*, to þe INGLIS BOWARE, **for bowis to the King**, . . vj li.

Item, to þe SECRETARE, **the tyme of his first passage to Rome in Ambassatry**,[6] vjc lxvj li. xiij ſ. iiij d.

Item, to him ſen fine, in parte of payment of ane Precept of vjc li. . . iijc li.

Item, to furnyſe þe neceſſaris of **the Place of Temptallounc**, be þe LORDIS Precept, xx li.

Oct. .—*Item*, to MAISTER JOHNNE BELLENTYNE, be þe KINGIS Precept, **for translating of the Cronykill**,[7] . . . . . xxx li.

Item, to Mathow and Arché Hammyltoune for þe **Eschete of Robene Murrayis menne of Logy**, gevin to þame be þe KINGIS grace, and coſt agane [8] be THE THESAURARE, for . l li.

Item, for thre cariage horſis **to turse the Arrese-werkis quhilkis hang in the Abbay**, þe KINGIS **Bowis**, **Arrowis**, and vþir geir of þe Wardrob, to Strineling agane Paiſche,[9] xviij ſ.

Item to Johnne Bog, **to mak ane passage doune fra the Castell of Strineling to the Park**, ... v li.

[1] Over and above. [2] This seems a very extraordinary measure, unless it can be interpreted to indicate, that L.100 was remitted to him of the amount of his Composition. [3] The Haugman, or public executioner. See *Dr Jamieson's Dict.* and *Sir Walter Scott's* Novels for explanations of the term. [4] Watching. [5] See Note to Jun. 16, 1532, of this Appendix. [6] There is no date affixed to this and the six following entries, which commence the accounts of 'Money at the command and Preceptis of THE KINGIS, deburſit to ſindry perſonis.' [7] These payments continued for a considerable time. In the next account other entries are made, see Oct. 4, 1531, &c. Many similar traces of THE KING's liberal patronage of literary men are to be found in these records. [8] Re-purchased. [9] A number of other payments for transporting geir of the Wardrob, &c. &c. These entries occur annually at Paiſche, or EASTER, and often at Christmas, &c.

APPENDIX.

Nov. 2.—*Item*, to **the Duke of Albanyis** fervand þat brocht **the grete horse** to þe Kingis grace, ... Ixx li.

Item, to þe Franche Armorare þat come with him, ... xl li.

Nov. 12.—*Item*, in Sanct Johnneftoune, to Hoge, meffingere, to pafs **to apprise the Lord Forbesis landis**, ... xl s.

Dec. 18.—*Item*, to Adam Stewart, meffinger, to pafs to Renfrew, Kyle, Cunynghame, &c. **to warne for the Armye, and passage in the Ilis**, ... xxv s.

Dec. 25.—*Item*, to ane Herald, to ride furth of Striueling to Edr, **to conboy Carlel, Inglis Herald**, to Striueling, to þe Kingis grace, ... ij li.

Item, to þe faid **Carlil** for his wage, with **the laif of the Heraldis**, on New-3ere-day,[1] x li.

Item, to him, quhilk remanit here fra New-3ere-day to **Palme Sonday**,[2] . xl li.

Dec. .—*Item*, to the faid Dauid (Bonar) for xiij double hankis of gold, quhilkis war deliuerit to Dauid Lindesayis wyf,[4] **to sew the Kingis sarkis**, þe price of ilk hank x s. . vj li.

Item, be þe faid Nichol Carncorfe to Dauid Lyndesay, **Herald**, iij elnis blak veluot, price of þe elne lv s., ... viij li. v s.

Item, to him vj elnis Paroife blak, price of þe elne xl s.[5] . . . xij li.

Feb. 9, 1530-1.—*Item*, to Duncan Riche, to pafs with ane **Summondis of Tresoune to the Menne of the Ilis**, to be executie in Invernes, ...

Mar. 1.—*Item*, to Wil3ame Quhite, meffinger, to pas with Letteris to Sanctandrois for **apprehending of Johnne Blakater of Tullyallane**,[6] . . . . . xiiij s.

Mar. 16.—*Item*, to Williame Mure, meffinger, to pafs with Letteris to þe Bischoppis of Sanctandrois and Brechine, **to tum to** Edr **for degradatioune of ane Preist**,[7] . .....

Item, to ane boy to rynne to the Bischop of Dunblane with ficlyke letteris, ij s.

Mar. 27, 1531.—*Item*, to Andro Hammyltoune, meffinger, to pafs with Letteris to þe Erlis of Ergile, Montroife, and þe Lord Erfkio,[8] to couvene in Edr **for Justifying of the Lard of Tullyallane**, ... xij s.

'Robene Hude.'[9]

Apr. 5.—*Item*, þe v day of Aprile, for vj quarteris gray taffate of Jeynes, to be ane part of þe Kingis **Robene Hudis Baner**, price of þe elne xiij s. viij d. . . . xxij s. vj d.

Item, for vj quartaris 3allow taffaty to þe faid **Baner**, price of þe elne xvj s. xxiiij s.

Item, for vj quartaris rede taffaty to þe faid **Baner**, price of the elne xiij s. xix s. vj d.

Item, for ane quarter quhite taffate, to be Corfis to þe faid **Baner**, price pairof, iij s. iiij d.

Summa of þe **Baner**, ... iij li. ix s. iiij d.

Item, at þe Kingis command, to Johnne Bog and Johne Lawfoune, to be þame **liberayis to pass withe the Kingis Robene Hude**, v elnis gray veluet, to be þame **twa Doublettis**, price of þe elne iij li. v s. . . . . xvj li. v s.

Item, for vi elnis lyning fuftiane to þare Doublettis, price of the elne ii s. vj d. . xv s.

[1] The usual 'Largesse' given to the Heralds on each recurrence of that happy day. [2] Payments made at same time to 'Messingeris of Middilburghe, vij li.'—'Habringtonne, Inglisman, June 6, v li.'—'the Frenche Ambassiatoure, Jul. 30, xxxvj li. iij s. vjd.'—'Horslie, Inglisman, Aug. 2, xx li.'—'Garis, Inglisman, quhilk came with writingis fra my Lord Dacres to the King, iiij li.'—'Alex. Mure, Herald of Denmark, Aug. 2, xxx li.' [3] Other payments made 'for warnyng of the cuntre,' and to 'provide for schippis and vthir veschell' for the 'passage to the Ilis.' See *Mr Gregory's* work for the particulars of this Expedition. [4] 'Jonet Douglas.' See these Extracts, Mar. 1537-8. A great number of similar entries occur for sums paid her for embroideries, &c. [5] This is entered among the 'Leueravis at the Feist of Zule. [6] For the Murder of James Inglis, Abbot of Culros, the same day. See I, * 151. [7] Sir William Louthien. *Ibid.* [8] Messengers were also dispatched for the 'Lorde of Montgomery, the Erle of Mortoune, and Lord Seytoune.' [9] So many notices have occurred, in the course of this Collection, relative to Robin Hood Games, that the Editor thinks the following extracts will be acceptable to all readers. Reference may be advantageously made to *Brand's* Popular Superstitions (*Ellis's* Edit.), *Dr Jamieson's* Dict., and *Sir Walter Scott's* Works, though it may be affirmed that the present are the most interesting and minute which have hitherto been laid before the public.

Item, for vj quartaris canvese, to stent pare Doublettis, pe price . . ij ſ.

Item, for twa skerlett Bonettis to pame, ... iij li.

Item, for ix quartaris ffrenche gray, to be pame twa pare of Hoise, price of the elne xvi ſ. . . . . xxxviij ſ.

Item, for vi quartaris blew to lyne pare Hoise, ... vj ſ.

Item, for iij elnis gray taiffety to draw pare hoise, price of pe elne xvi ſ. . xlv ſ.

SUMMA of pis liffray, ... xxiiij li. xi ſ.

Item, to JAMES ERSKYNE, the Kingis Robeyn Wode, x quarteris gray satyne, to be him ane Doublett, price of pe elne xxxiiij ſ. . . . . iiij li. v ſ.

Item, for kenvese to it, ... xviij d.

Item, for quhyt fustiane to lyne it with, ... viij ſ.

Item, for makeine of it, ... iiij ſ.

Item, for ane elne surage gray, to be him ane pair of hoise, price . . . xvj ſ.

Item, for ij elnis taffate, to draw pame and nerf pame, ... xxiiij ſ.

Item, for half ane elne and ane nale gray satyne to couir pe hypis of pame, price of pe elne xxxiiij ſ. . . . . xix ſ. j d.

Item, for blew to lyne pe said hoise, ... iiij ſ.

Item, for makeine and cwtting of pame, ... viij ſ.

SUMMA of pis liffray, ... viij li. xi ſ. vij d.

[A great variety of other costly 'liuerayes' occur under the same date, but no mention is made of ROBIN HOOD. It is probable that they were all procured on the same occasiou.]

May 20.—*Item*, to DAUID LYNDESAY, Herald, be pe KINGIS Precept, xiij elnis blak satyne to be him ane gowne, price of pe elne xxxij ſ. . . . . xx li. xvj ſ.

Item, for iij elnis blak weluet, to begarie pe samyne gowne, price of pe elne lij ſ, vij li. xvj ſ.

Aug. 4.—*Item* to Gourlaw, messinger, to pass to Menteithe and vthir places with Letteris TO WARNE PE GENTILMENNE of pe cuntré to the Kingis Hunting in Megotland,[1] . xx ſ.

Oct. 4.—*Item*, to MAISTER JOHNE BALLENTYNE, be THE KINGIS Precept, for his translating of the Cronicles, ... xxx li.

Item, pairefter, to pe said Maister Johne, be pe Kingis command, . . vj li.

Oct. 5.—*Item*, pe v day of October, to ANE INGLISMAN ('*Inglise Ambassiatour*')[2] pat brocht writingis to PE KINGIS grace, quhom to his grace gaiff presence in KIRKCALDYE, . xl li.

Item, to Maister George Forestar in Leith, to mak pe said Inglismannis expensis, in Leith and Kingorne, for ane day, at his cuming to PE KINGIS grace, ... xlvj ſ.

Oct. 19.—*Item*, to ANE INGLISMAN, quhilk come with writingis to PE LORDIS fra the Erle of Northumberland, ... v li.

Oct. 28.—*Item*, be ane Precept, to ane auld faiłzeit man, in Striueling, callit ALANE STEWART, in almouse, ... xiij li. vj ſ. viij d.

Item, be ane Precept, to ane pure man, quhais horse fell our the Castell wall of Striueling, and brak his nek,[3] . . . . . iij li.

Item, be PE KINGIS Precept, to William Duncan, Purceband, quhilk was hurt in Niddisdale, ridand, be the Thefis, and his horse tane fra him, ... v li.

Dec. 8.—*Item*, to Carlill, Herald off Ingland, be pe Lordis command, quhilk come with writingis to PE KINGIS grace and PE LORDIS, ... xxx li.

Item, to pe said Thomas Scott,[4] ('Ambassiatour,') to be ane part of ane riding cote, iiij½ elnis blak weluett, price of pe eln lij ſ., *summa*, ... xj li. xiiij ſ.

[1] Many other messengers sent to different parts of the country. [2] On the margin, 'INGLISE AMBASSIATOUR.'
[3] These entries are selected to notice the generosity of THE KING, whose acts of beneficence appear in almost every page of these Accounts. [4] He is above styled one of the 'Commissionaris on ye Bordouris,' along with the LARD OF BALWERY, SCHIR JOHNNE CAMPBELL OF LUNDY knycht, and THE LARD OF AMISFIELD. On the margin, opposite this entry, is 'SCOT, AMBASSIATOUR.'

Jan. 12, 1531-2.—*Item*, to Dauid Blyth, **Pursevant, to pas to Lundone** with **Letteris to the King of Ingland**, for ane CONDUCT to pe AMBASSIATOURIS, . . . xxv li.

'**Ambassiatouris in Fraunce.**'

Feb. 24.—*Item*, to SCHIR THOMAS ERSKYN OF HALTOUN, kny[t], **Secretare and Ambassiatour in France**, to his ORDINARE expensis in FRANCE, pe space off foure monethis, ilk moneth estimat to xxx[ti] dayis, ilk day havand to his ordinare expensis as said is, viij frankis, ilk frank extending to x s. vj d. in Scottis money. *Summa* of pe frankis ix[c]lx frankis; *summa* of pe Scottis money extending to . . . . . v[c]iiij li.

Item, to my said **Lord Secretare**, be ȝe KINGIS speciall command, to his EXTRAORDINARE, lxxxix Angell nobillis, pece extending to xxxij s.; *summa*, I[c]xlij li. viij s. And alsua to his extraordinare maid in finance iij[c]xv frankis iiij fowse, ilk frank x s. vj d.; *summa* of pe frankis, in Scottis money, I[c]lxv li. ix s. vj d. *Summa totalis* of pis EXTRAORDINARE, . iij[c]vij li. xvij s. vj d.

Item, to **my Lord Bischope of Ross, Ambassiatour**, pe samyn tyme, to help to his furnessing I[m]ij[c] frankis, price of ilk frank, in Scottis money, x s. vj d. *Summa* of pir frankis, in Scottis, extendis to . . . . . vj xxx li.

Item, to DAUID LYNDESAY, **Herald**, to his expensis passing with pe saidis AMBASSIATOURIS ij[c] frankis, *summa*, ... I[c]v li.

Item, to Johne Bog passand with **certane Horsis and Hundis send** be pe KINGIS grace to **Madame Dobinze**, to his expensis ij[c]xl frankis,[1] *summa*, ... I[c]xxvj li.

Apr. 2, 1532.—*Item*, to Henry Kemp, quhilkis he debursit for pe **Kingis sone**,[2] gotten vpon ELIZABETH SCHAW, and his nurise expensis, ... xx li.

Item, to pe GENTILL WOMANE pat **fostirrit pe Kingis sone**, . . . xl s.

May 11.—*Item*, for graithing of the **Ambassiatouris Ingeine of Flandres**, '**quhilk brocht the Empriouris Collar** to pe KINGIS grace,'[3] as ane Bill gevin be Maister Johne Scrymgeour Maister of Werk, beris, ... iiij li. vj d.

Item, to pe said **Ambassiatour**, to his revard, ij[c]. fifty Angell nobillis, *summa*, iiij[c] li.

Item, to **the Herald of Flandres**,[4] callit BURGUNZE HERALD, to his revard, . I[c] li.

Item, for tway pursis to putt pe said money in, ... viij s.

Item, to **the young man that sang with the Ambassiatourr** foirsaid, . xx li.

Item, to pe gudewyfe of pe house quhare pe **Herald of Flanders** was lugit, for hir housemaill pe tyme of his beyng pare, ... iij li.

Item, to **Carlill**, HERALD, quhilk come with writingis to pe KINGIS grace and LORDIS, and remanit on his anſuer quhill pe Parliament, ... xl li.

24.—*Item*, to **Bute**, PURSEVANT, **to pass to Lundoun with writingis to the King of Ingland**, ... xl li.

Jun. 16.—*Item*, to **the King of Cipir** ('CIPRE,')[5] . . . . . I[c] li.

Jul. 4.—*Item*, to ALEXANDER MURE, quhilk come with **writingis fra the King of Denmark**, ... xl li.

[1] A great many more payments are made for dresses, provision for the horses, and 'iiij doggis to MY LORD OBINZE;' xl li. to GUILLIAME, Franche post, &c. &c. [2] JAMES ABBOT OF KELSO AND MELROSE, a pupil of *George Buchanan*. On Oct. 8, 1534, he got a charter of the Estates forfeited by the Earl of Angus, *Reg. Mag. Sig.* xxv. 241. Obiit 1558, sine prole. His mother was of the family of Sauchie. [3] These words are inserted, in larger letters, on the margin. [4] In this and the other instances 'SEANZE' had been written and 'FLANDRES' substituted. [5] 'CIPRE' on the margin. It does not appear, from any other entries in these Accounts, who this kingly personage was. The Editor is inclined to believe that the 'KING,' 'the PRINCE,' and 'the MORE,' belonged to one or more of the numerous bands of GYPSIES or BOHEMIANS, who infested various countries of Europe at and previous to this period, in such overwhelming numbers, as eventually to call down upon them the cruel, but perhaps necessary, severities which continued to be practised against that devoted race for nearly two centuries after this time. For numerous interesting particulars relative to this remarkable people, see this Collection, III, 590, &c. 'KING CRISTALL,' mentioned under date Aug. 23, 1530, of this Appendix, was likely another of these artful wanderers.

Jul. 20.—*Item*, to **Carlill**, HERALD, ... l li.

Item, to **Bute**, Purſevant, **to pass with writingis in Ingland**, and departit with þe ſaid **Carlill**, INGLIS HERALD, þe xx daye of Julij, ... xxxvj li.

Jul. 21.—*Item*, to þe PUIR WOMANE **quhilk had hir houſband ſlane with ane gwnne** ſchot furth of þe Caſtell, ... xl ſ.

Aug. 11.—*Item*, be þe KINGIS command to **the Prince of Cipre**, . . xl li.

Item, þe ſamyne day to **the More**, be þe KINGIS command, . . . xxx li.

18.—*Item*, furniſſit be þe KINGIS command to my Lordis BISCHOP OF ROSS and SECRETAR, **Ambaſſiatouris in France**, and to þe LARD OF GAWISTOUNE and DAUID LYNDESAY, HERALD, being with ſame, I^m V^c frankis for twa monethis expenſis; off þe quhilk to my Lord Biſhop of Roſs, xvj^c frankis; to my Lord Secretar, vi frankis, to þe Lard of Gawiſtoune, ij^c frankis; and to Dauid Lyndeſay, I^c frankis; price of ilk frank maid in finance with Hew Dowglaſs, Nicholl Carnecorſe, and Paterſoune, burgeſſis of Edinburgh, x ſ. vj d.; *ſumma*,[1] . . . vij^c lxxxvij li. x ſ.

Sep. 18.—*Item*, for **ane Lute with the caiſe**, and ane doſane of ſtringis by,[2] coſt in GLASGW, and ſend with Troilus to þe KINGIS grace **in Inuerrera**, ... xl ſ.

Item, to þe forſaid Troilus to turſe þe ſamyn, ... vj ſ.

Sep. 27.—*Item*, for carrage of þe KINGIS bed to **the Hunting in Glenarknay**; and for cariage of þe ſamyn out of ED^R. to SANCTANDROSE **to the Pardoun**, . . xx ſ.

Dec.—*Item*, be þe KINGIS Precept to **Maiſter Johne Dorche**,[3] v elnis tanny chamlett, price of þe elne xj ſ., ... lv ſ.

Jan. 1531-2.—*Item*, be þe KINGIS Precept, to CRISTIANE RAE, **quhen ſcho was Queene of Bane**,[4] iiij½ elnis riſſillis blak, price of þe elne xxvj ſ. viij d. . . . . vi li.

Item, to hir ane elne veluett, price . . . . . liiij ſ.

Feb. 23.—*Item*, to twa cartis, þat ane to turſe þe blak kiſt with **the Chapell graith** to STRIVELING, and þat vþir with **the Arreſe hir garis**, ... iij li. xij ſ.

Item, for ane lok mending and ane new kee to the **Blak kiſt that kepis the Reliquis**, xvj d.

Item, for ane bott[5] of irne, and leid to ſett þe ſamyn, to þe Compt-houſe durre,[6] . ij ſ.

May 17, 1532.—*Item*, to Duncan Reche, PURSEVANT, to paſs with Letteris to þe BISCHOPE OF SANCTANDROIS to aduerteſe him of **the Changein of the diett off the Accusatioun of the Lutheranis**, ... x ſ.

Jun 9.—*Item*, for **ane trentall of Messis for the Kingis grace**, in Quhithorne, xxx ſ.

Item, to þe CHAPLANE diſtributour of þe ſamyn, ... ij ſ.

Aug. 11.—*Item*, to xij CHEPLANIS **to say Mess for the Kingis grace** aſoir OURE LADY OF PAISLAY, ... xij ſ.

Aug. 21.—*Item*, to Schir Johne Jordane ('Cheplane') to **the Almouse**,[7] . xviij li.

Item, to him, in compleit payment **the Kingis Almouse**, fra þe xxij day of Auguſt 1432 to þe day of þis compt, (Sep. 26, 1533,) takand ilk moneth xvj li., . . . lij li.

Dec. 2, 1532.—*Item*, to þe INGLISE BOWAR, for **ane doſane of Bowis** and vj doſane of **Arrowis** deliuerit at þe KINGIS command to **Alexander Canoſoune**; and for iiij doſane of Arrovis deliuerit to þe KINGIS grace, **for his aune ſchuting**, ... xx li.

[1] 'SUMMA *trium foliorum precedentium*, (all expended for AMBASSADORS, HERALDS, &c.) iij^m ix^c li. viij s. xj d.'
[2] Over and above, besides; *forbye*. [3] See also Aug. 5, 1535, for another entry relative to THE KING'S DWARF. He also gets 'doublat, boise, and bonnat,' on this occasion, for his 'ZULE LEUERAY;' and on Sep. 27 preceding he had a payment of xl s. The Editor is of opinion that this is the individual DWARF for whom the well known Poem in the Bannatyne MS., entitled 'ANE LITILL INTERLUD OF THE DROICHIS PART OF THE PLAY,' was written.
[4] There have already been given some instances of THE KING OF BANE in the course of this Collection. The custom was similar to that still observed in England on *Twelfth Night*. See I, * 115, and Note, &c. The Editor does not recollect to have elsewhere met with a notice of THE QUEEN OF BANE. [5] Bowtt, bolt. [6] A number of other entries about the Blak kist and Reliques. [7] On Jun. 9, xij li. were paid him for the same purpose. The public ALMS given by KING JAMES V, at this period, was *Sixteen pounds, monthly*, besides his numerous benefactions and private charities. See Aug. 21.

APPENDIX.

Jan. 9, 1532-3.—*Item*, to ꝑe Maister of Forbes, be ꝑe Kingis command, . xl li.

Item, be ꝑe Kingis Precept to Johne, pipar of Sanct Johnestoune, in Toquher[1] with Katherine Sinclair, ... lcxxxiij li. vj s. viij d.

Feb. 11.—*Item*, for ane trentall[2] of Messis done for the Britonaris saulis quhilkis perist at the Port of Aire, ... xx s.

Feb. 11.—*Item*, to Patrik Kincaid, Maister Brovstar, . . xvj li. v s.

Apr. 12, 1533.—*Item*, to Schir Henry Huntar, for the Kingis Dirige singand, in Strieueling, ... xij li.

Item, for mending of the Organis, in Strineling, ... iij li.

Apr. 12.—*Item*, to ꝑe L. L.[3] be ꝑe Kingis command, ... lc li.

May 13.—*Item*, to Walter Cunynghamis wyfe in Strieueling for ane kow quhilk the Kingis grace slew with ane culvering, ... xl s.

May 15?—*Item*, to Maister Nector Boice, Principall in Abirdene, for ꝑe tane[4] half of his Pensioune: and ꝑe vꝑir half paint be ꝑe Comptrollar, ... xxv li.

Jun. 16.—*Item*, to Williame Haldane and Williame Brovne, for the Slauchter of vmq[le] Dik Richertsoune, ane commone Theiff, and taking of ane vthir Theiff callit Bartilmew Tail-ȝeour, ... xxx li.

Item, to Maister Johne Ballantyne for ane new Corniklle gevin to the Kingis grace, ... xij li.

Item, to him in part of payment of ꝑe Translatioune of Titus Leuius, . viij li.

Jul. 26.—*Item*, to Williame Vdwart be ꝑe Kingis Precept, be Dauid Bonar, for claise tane fra[5] him be ꝑe Kingis command to ane Gentill womau, ('S. D.')[6]

Item, deliuerit to my lord Secretar in ꝑe Quenis College to do secret materris of the Kingis, ... iiij li.

Aug. 24.—*Item*, to Maister Johnne Ballantyne in part of payment of ꝑe Translatioune of ꝑe fecund buke of Titus Leuius,[7] . . . . . viij li.

Aug. 28.—*Item*, to Robert Hotflie, Inglifman, quhilk come with writingis fra ꝑe Erle of Northumbirland, complenand on the brek of the Bordouris,[8] . . . . x li.

Sep. 5.—*Item*, to Dauid Blyth, Pursevant, quhilk past to Lundoune erandis of certane Merchandis of Ed[r], and send with him Lettres to the King of Ingland, schewand ꝑe complaynt of our Bordouraris vpoune ꝑe Inglismenne, ... vj li.

Item, to Dauid Creichtoune of ꝑe Gardrobe, to fee tua careage horsis to turse ꝑe Kingis bed and vꝑer graithe to the Hunting in Athole, and for ꝑe space of vij dais pair to remane; to ilk horse on ꝑe day ij s.,[9] *summa*, ... xxviij s.

Sep. 7.—*Item*, to ane boy to pass furthe of Sanct Johnestoune with Writtingis to the Legat in Ed[r], ... v s.

Item, to George Leiche to pass to the Kingis grace in Inuerrera, . . viij li.

Item, to ane man to pass to convoy him, ... xxviij s.

Sep. 15.—*Item*, to Jame Litiljohnis feruand, to pass with hutis and schohne to the Kingis grace, in Ergile, ... xx s.

Sep. 16.—*Item*, to ane boy to ryn with ane Lettre to my Lord Chancellar to cause him haist to Ed[r], ... iij s.

[1] *Tocher*, dowery, or Marriage-portion. [2] *Tricentalis*. Three hundred Masses. [3] The Lady L., one of the King's Mistresses. This must have been either the Lady Lochleven, (Margaret, daughter of John, *twelfth* Lord Erskine, and mother of the Regent Murray,) afterwards the wife of Sir Robert Douglas of Lochleven—or Elizabeth, daughter of John, *third* Earl of Lennox, who bore to the King, Adam, Prior of the Charterhouse at Perth. There are many payments to this individual. [4] The one half. [5] Purchased. [6] These initials are on the margin. The extract is made to notice the number of such entries for dresses, trinkets, &c. &c. [7] The Antiquary need scarcely be reminded that both the Chronicles and Translation of Livy have been admirably edited by Thomas Maitland, Esq., Advocate, in Three Volumes Quarto. [8] Many messengers passed between the countries on the same business. It is unnecessary to multiply entries here. [9] Several other payments.

Sep. 18.—*Item*, to Williame Criſtefoune, meſſinger, deliuerit Lettres to þe **Scherriffis** of FORFAIR, ELGYNE, FORESE, KINCARDINE, INUERNES, CROMERTIE, NARNE, ABIRDENE, and BANFF, to be proclamit within þair boundis, chargeing all men, betuix lx and xvj ȝeris, mak þame reddye, vpoune xxiiij houris warnyng, **to pas bodin, &c. with the Kingis grace or his Lieutenent**, with viij dais wittalis, vndir þe pane of tynſale of þair lyvis, landis, and gudis. AND alſua delinerit Letteris to þe ERLES OF MURRAY and HUNTLIE, LORDIS SALTOUNE and OGILWY, chargeing þame to cum with diligence to aviſe **for defence of the realme aganis the enemyis of Ingland**,[1] . . . . . liiij ſ.

Sep. 21.—*Item*, to Cuthbert George, meſſinger, to paſs with **Letteris to the Erle of Northumbirland**,[2] . . . . . xl ſ.

Sep. 24.—*Item*, to Williame Duncane, meſſinger, to paſs with Lettres to þe LARD OF BILLE, **chargeing him to keip ſurelie his Houſe of Bille**, vnder þe pane of dovncaſting of þe ſamyn, and tinſall of his heritage, ... xiiij ſ.

Oct. 25.—*Item*, to Adam Stewart, meſſingire, to paſs and **ſummond** þe **Lady Weddirburne** and þe **Lady Traquair** to compeire in Ed^r, on Nov. viij, to heir þame accuſit of **treſſonabill Intercommonyng** and aſſiſtance done to ARCHIBALD ſumtyme ERLE OF ANGUSE and his complices, oure ſouerane lordis Rebellis; and **to ſummond ane Assise** of þe ſchyris quhaire þai duell, to beire witneſſing þairupoune; and to his wage, ... xx ſ.

Nov. 12.—*Item*, to Cuthbert George, meſſingir, to ryd with Letteris direct to þe **Scherref of Air and Baſlye of Kile** to bring ARCHIBALD CURRE, in Sandefurde, before þe **Lordis of Counſaill** in ED^R, on Nov. 21 inſtant, to anſuer at oure ſouerane lordis inſtance for þe **Intromeiting with ane purſe of money** extending to vij^c li. quhilkis pertenit ſumtyme to **Inglismenne that drobnit one the coist of Air**: And als, deliuerit to him, ſiclik, Letteris chargeing þe PROUEST and BAILLIES of þe burghe of AIRE to bring Robert Nele, Johne Fallifdaill, and Thomas Stevinſtoune, to anſuer þe day and place aſoir expremit, for þe ſamyn cauſe, and to his wage, . . xxviij ſ.

Dec. 7.—*Item*, deliuerit to Andro Diſchintoune, meſſingeire, Letteris to þe WARDANIS OF þe EIST AND MYDDELL MARCHIS, to charge all liegis within þaj boundis **to await vpoune the Incuming of ane Army of Inglismen, and resist the same, &c.**: AND als charging all Baronis and gentill men havand **Castellis or strenthis**, oþir in keping or heretage, to defend þame, abyding haſty reſkew of þe KINGIS ARMY: AND deliuerit to him Letteris to þe CONSTABILL OF HADINGTOUNE, to warne all perſonis within þe boundis of his Office to be in Hadingtonne þe x day of þis moneth, weill bodin, &c. **to byd our ſouerane lordis cuming** þe ſpace of viij dais; and to his wage,[3] . . . . . xxviij ſ.

Dec. 16.—*Item*, to ane ſeruand of my LORD HVMIS, quhilk come with Writingis to þe KINGIS grace, and **tythingis fra the Bordouris**, ... iij li.

Item, to Johne Mortoune, quhilk brocht **Wrytingis fra the Wardane of the Myddill Marchis** to þe KINGIS grace, at þe Kingis command,[4] . . . . . xl ſ.

Dec. 26.—*Item*, to Adam Stewart, with ane Miſſive Lettre to þe LARD OF SPOTT; and alſua to him Letteris to þe MAISTER OF HALIS **for Byrning of Balis**;[5] and ane Lettre to be proclamit at ſindrie Burrowis, in Lotheane, **for furneſing of wittalis**; and to his wage,[6] . x ſ.

Dec. 28.—*Item*, to SYM PENNANGO to pas with Letteres to þe LARD OF BALCLEWCHE and vþeris, aduertiſand þame of þe **Inglismenne cuming to the Houſe of Bille**,[7] . . iij li.

[1] Many similar entries, unnecessary to be given here. [2] He was sent again on Oct. 23. [3] Messengers were dispatched to all parts of the kingdom prior to this date, with Letters to Barons, &c. [4] In consequence of these 'tythingis,' fresh Proclamations were issued, calling on the liegis to be in Edinburgh on Jan. 5 next, with *twelve* days' provisions, &c. [5] Bonfires or bale-fires. [6] Letters were also dispatched to THE LAIRDS of 'BRANXHOLME, FARNYHIRST, MARK KER, and WARDANIS of THE MYDDILL MARCHIS forneent Ingland, ALEXANDER HYME, vmquhile TUTOUR OF WEDDIRBURNE, JOHNE HYME OF BLACATER, WILLIAME COKBURNE OF THAT ILK, and LORD HYME, chargeing thame to be in Edinburgh the last day of this instant moneth.' [7] On Dec. 29, Proclamations of new issued for THE BARONS, &c. of Edinburgh, Lanark, and Peblis, &c. to be in Edinburgh, on Apr. 8,

APPENDIX.

Jan. 13, 1532-3.—*Item*, to Johne Gurlaw, messingeir, Letteris to charge þe Abbotis of Kelso, Dryburghe, Melrose, and Jedburghe, **to remane in thair Abbaeyis, substantiuslie accumpanyit, weill bodine, &c. for defence of the realme,**[1] . . . xx s.

Jan. 27.—*Item*, to Williame Mure, messingeire, quhilk raid at þe poist to Newbottill, Melros, and Cauldstreme, **to cause prouisione be maid for Resaving of the Frauche Ambassatour** callit Stephanus Aqueus,[2] . . . . . xxv s.

Feb. 10.—*Item*, deliuerit to Dauid Blair to pass with Letteris to **Johne Canosoune** and **Lord Maclane**, to cause þame cum to þe King, weill accumpanyit, **for defence of the realme**, v li.

Feb. 28.—*Item*, to Johne Brovne, skippar in Leithe, for þe fraucht of his schip in þe quhilk my Lord of Aberbrothok, Ambassatour, past in Fraunce, . . . Ic xlvj li. xiij s. iiij d.

Item, to **Merchemond**, Herald, quhilk past with þe forsaid Ambassatour, . xl li.

Mar. 1.—*Item*, to Williame Mure, to pas with ane charge fra þe Lordis to þe Lard of Dundass **for keping of the House of Inchegarvy**,[3] . . . . . vj s.

Mar. 13.—*Item*, to Johne Cobe, to pass with Letteris to þe Abbottis of Newbottill and Melrose and Prioress of Cauldstreme, **for Resaving of the Legat**, . . xx s.

May 28.—*Item*, to Williame Cristesoune to pass to Cauldstreme with Writtingis fra þe Frauncie Ambassatouris to be send to **the Erle of Northumbirland**, . . xx s.

Jun. 13.—*Item*, to **Ormond**, Pursevant, **to pas in the Ilis** with Writtingis of þe Kingis **for the Inglis Schipe quhilk Maclane tuke**,[4] . . . . . viij li.

Jun. 22.—*Item*, to ane boy to rynne to Newbottill, with ane Writting, schewand þat **the Ambassatour**, Bewes, and **the Commissionaris, wauld be with him on the morne**, . viij d.

Item, to Alexander Mure, quhilk brocht **Writingis fra the King of Denmark**, to his rewarde, ... xxx li.

Item, to James Murray to pass to Cauldstreme, at þe post, all nycht, with ane Writting to þe Prioress **to probide for Monsr. Bewes and the Commissionaris**, . . xx s.

Jun. 24.—*Item*, to Andro Dischintoune to pass to Cauldstreme at þe post with ane Writting fra Monsour Bewes to þe Erle of Northumberland, **for ane Conduct to our Commissionaris**, ... xx s.

Jun. 27.—*Item*, to Maister Johne Lauder **to pass to Rome in the Kingis erandis**, maid in fynance, v^c frankis, ... ij^c lxij li. x s.

Item, gevin to him at his departing, to by him Horsis and vperis necessaris,[5] . xl li.

Item, to my Lord Maxwell **for his seruice done vpoune the Bordour**, be þe Kingis consideratioune, and Precept þairupoune, ... iij^c xxxiij li. vj s. viij d.

Jul. 11.—*Item*, to Johne Gurlaw, to pas at þe Post to þe Kingis grace with Letteris fra þe Lordis, certefeing his grace of **the hame cumming of the Commissionaris**, . xiiij s.

Jul. 16.—*Item*, to Ar^d Hoge to pass with **Letteris to the Newcastell to the Commissionaris of Inglande**, ... iij li.

Jul. 24.—*Item*, to **Ormond**, Pursevant, to pass with Letteris to **Johne Canosoune** and **Maclane for the Kingis Schipe**, ... x li.

Item, to þe Walisman (Welchman[6]) quhilk come heir, propynit, callit **James Grifflon**, I^c li.

with *thirty* days' victuals; those of Fife, Forfar, Perth, &c. on Feb. 7, with thirty days' provisions; Inverness, Aberdeen, &c. on Mar. 9.

[1] Other Religious Houses, North of the Forth, &c. were commanded 'to send thair Houshaldis to the Bordour, with the nixt Quarter.' In other districts the lieges were ordered to accompany their 'Weismenne,' (Chiefs,) as soon as 'thai be warnit be belis, (bonfires,) or vthirwayise.' [2] On Feb. 15, a macer was dispatched to Pittinweme to get a 'schipe reddy within vj dais for careing of the Abot of Abirbrothok Ambassatour to the partis of Fraunce.' [3] Other proprietors and Captains of Castles, &c. got similar commands. [4] Messengers were also sent to Orkney, &c. 'to desist fra all making furthe of Weir-schippis incontrair the Inglismen, for weill of Peace.' [5] Many other payments for dresses, freight 'of ane litill Schip in the quhilk he past in Flandres,' &c. [6] See Oct. 21, 1534.

Item, for ane purſe to put ꝑe ſaid money intill, ... iiij ſ.

Jul. 25.—*Item*, to Dauid Dronane to paſs with Letteris to ꝑe Scherreffis of Edꝫ, BERVIK, PEBLIS, ROXBURGHE, and SELKIRK, and to ꝑe Burrowis of DUNBAR, &c. chargeing all maner of men be reddy vpoune xxiiij houris warnyng, with xx dais wittalis, for Reſiſting, &c.: AND als Letteris to be proclamit at DUNBAR, HADINGTOUNE, and LAUDER, chargeing all perſonis on ꝑe COISTSYDE to aduert that na Inglise Schipe arribe thairupoune, and to his wage,[1] . . xx ſ.

Jul. 29.—*Item*, to ane boy to rynne with Writtingis to ꝑe KINGIS grace, in Sanct Johnestoune (Perth), ... iij ſ.

Aug. 4.—*Item*, to ane boy, &c. &c. in Falkland, ... ij ſ.

Item, to Williame Mure, to paſs with ane Lettre to be proclamit at SELKIRK, PEBLIS, and MOFFAT, that na man hunt in Megotland, ASKDALE-MURE, TWEDE-MURE, &c. bnto ꝑe KINGIS cunting,[2] . . . . . xx ſ.

Aug. 6.—*Item*, to Caſtellaw, to pas with Letteris to be proclamit at ꝑe Bordouris, for ane yb dais abſtinence,[3] . . . . . xiiij ſ.

Sep. 26.—*Item*, to Andro Hammiltoune, to paſs with Letteris, chargeing ꝑe WARDANIS OF ꝑe MYDDILL MARCHIS and ꝑe LARD OF BUCHCLEUCHE[4] to raise the cuntre to pass, bpoune the Theiffis, to releif ꝑe Gentillmen laitlie takin be pame, and pair gudis—and to his wage, xvij ſ.

SUMMA totalis expensarum Leporariorum, (THE KING'S HOUNDS), ij^clxx li. xij ſ. ix d.

Oct. 7.—*Item*, to James Flewd, INGLISMAN, be ꝑe LORDIS command, at his waypassing, ... vj li.

Oct. 10.—*Item*, to GEORGE HEREOT, Goldſmyth,[5] for mending of ane of ꝑe Kingis ſiluer ſtolpis,[6] . . . . . viij ſ.

Nov. 30.—*Item*, to MAISTER JOHNNE BALLENTYNE, be ꝑe Kingis precept, for his laubouris done in translating of Liuie, ... xx li.

Dec. 31.—*Item*, ꝑe laſt day of December, deliuerit to SCHIR MICHELL DYSART, and his marrowis,[7] be ꝑe KINGIS Precept, to be thaim Play-Coittis, agane New-Yeir-Day, xv elnis bukraim, redd and yallow, price of ꝑe elne xxx d. . . . . l li.

Jan. 3, 1533-4.—*Item*, deliuerit to ꝑe KINGIS grace, quhilk his hienes gaif to ane Irland clairschochar,[8] . . . . . x li.

Jan. 7.—*Item*, to Cuthbert George, to paſs with Writingis to caus THE ERLE OF MURRAY cum to Edꝫ to aduise apone the Ambassatouris depesche, ... iij li.

Jan. 22.—*Item*, to MAISTER JOHNE DROCHT, be ꝑe Kingis Precept, to be him ane Gowne and ane Pugtoune, vj elnis ferge, price of ꝑe elue x ſ. . . . . iij li.

Item, to be him ane Doublet, an elne double worſet, price . . xxvj ſ. viij d.

Item, to be him ane pair Hoise, iij quarteris franche gray, price . . x ſ. vj d.

Item, to be him ane Bonet, price . . . . . xviij ſ.

Feb. 19.—*Item*, to James Murray, to paſs with Writingis to ꝑe ERLE MONTROISE and SCHIR JAMES HAMMILTOUNE, chargeing pame to keip the day of Justicierie betuix the Sympillis and the Cunynghamis,[9] . . . . . xx ſ.

[1] Similar Proclamations were made throughout the whole kingdom, 'for RESISTING OF THE INGLIS SCHIPPIS.' [2] Large payments made to James Colville of East Wemyss, COMPTROLLER, for his services at Newcastle, 'TO TREIT THE PEACE,' and to THE SECRETARY for 'his super expensis quhen he was in Fraunce,' and for JOCALIS (jewels) gevin be him sindrie tymes to THE KINGIS grace.' [3] On Aug. 18, a Proclamation to be made that this cessation from hostilities should be 'kepit, quhill the x day of September.' [4] Similar Letters sent to LORD MAXWELL and THE LAIRE OF JOHNSTONE. [5] Probably grandfather of the celebrated GEORGE HERIOT, the founder of the Hospital. [6] *Stowps*, flagons. [7] Fellows, companions. [8] An Irish (Erscbe, or Highland) player on the *Clairschaw*, which was a kind of *Harp*. *Monipennie* says, 'The strings of the clairshoes are made of brasse-wire, and the strings of the harps of sinews.' *Scot's Chron.* pp. 5, 6. It is proper to mention, that '*clarsch-pipes*' were also used. See *Watson's Coll.* ii. 6. [9] See I. * 166, &c., for notices relative to these deadly Feuds, which caused a great excitement in the country.

Mar. 25, 1534.—*Item*, to Adam Stewart to pas with Letteris to Lord Jestir to cause him bring certane Chevis quhilk he tuke, to be Justiteit, and to his wage, . . xiiij s.

Apr. 18.—*Item*, to Rothesay, Herald, to pass to þe Erle of Rothese to Resave the Castell of Sanctandrois,[1] . . . . . xxxiij s.

Apr. 27.—*Item*, to Rothesay, Herald, deliuerit Letteris to Dunde, Perthe, Sanctandrois, Dunfermeling, &c. to inbring thair Taytis for furnesing of Wageouris:[2] And Letteris, elikuise, for Wapinschawingis: Alsua deliuerit to him Letteris for Bulwerkis and defensis to be maid at Dunde, Sanctandroise, Carale, Pettinweme, Anstruthir, Dysart, Kirkauldy, Kingoune, and Innerkething; and to his wage,[3] . . . . . v li.

May 4.—*Item*, to ane man quhilk come fra þe Prioress of Cauldstreme with Writtingis now cumin out of Fraunce to Monsr Bewis, Ambassatour,[4] . . v s.

May 26, 1534.—*Item*, to Dauid Lindesay, Herald, passand with þe faidis Ambassiatouris, to his expensis, ij^c frankis, *summa*,[5] . . . . . I^cv li.

Jun. 14.—*Item*, to Malcolme Gourlaw, deliuerit for x carage horsis tursand þe Kingis Palzeonis to the Hunting, þe space of ix dayis; and ane horse quhilk brocht the Bed[6] furth of Striuiling, ... ix li. ij s.

Jul. 3.—*Item*, to þe Archidene of Durame, Inglis Ambassatour, quhilk come for Confirmatioune of the Peee[7] to his reward, ane hundreth Angell nobillis, *summa*, . I^clv li.

Item, to Maister Magnus, fielyke, Ambassatour, ... ij^c li.

Item, for twa pursis of crammesy satin to put þe said money in till, . . xxviij s.

Item, to the Inglis Notar,[8] . . . . . xxx li.

Item, to Berwik, Herald, ... l li.

Item, to þe b Archearis that schot with the Kingis grace,[9] . . . xxv li.

Jul. 9.—*Item*, to þe Abbot of Kinloss, quhilk past to London to resabe the King of Ingland aithe (oath) apone the Confirmatioune of the Peace, . . . I^cxlviij li.

Item, to Maister Adam Otterburne, passand to Lundone for treting of the Peee, and þair remanand fra xxvj day of November to þe third day of Junij last bipast, to his expensis, vi^c li.

Aug. 27.—*Item*, deliuerit to Johnne Murray ane blak bonet, to cobir ane Steil-Bonet to the Kingis grace, price þairof, ... xiij s.

Item, to be ane typpet to the said bonet, and ane rydding typpet to ane vþir Bonet, ane elne taphety of þe cord, price þairof, ... xx s.

Item, deliuerit to the Kingis grace ane Relict of Sanct Dutho, set in siluer, weyand xxxvj vnce iij grote wecht, price of þe vnce iij s., *summa*, . . xxvij li. xvij s. iij d.

Item, for making of þe samyn, ... v li. ix s.

Aug. 31.—*Item*, to Johne Drummond, wrycht, for bringin of the thre Cannons furth of Drumfreise, in all expensis, ... lxvij li. xviij s. iiij d.

[1] Two Messengers-at-arms accompanied him. [2] Hired soldiers; mercenaries. This was the first step towards the formation of a standing Army. Considering the precarious character of troops formed of raw levies of country men bound to military service, and the indifferent manner in which they were equipped, it is truly extraordinary how such bodies should have been able to withstand the onset of the well appointed and disciplined forces of the English. When these circumstances are kept in view, the rout of the Scottish Army at Flodden ceases to be matter of surprise. [3] Similar commands sent to the East and West Coasts, &c. throughout the kingdom. [4] Large payments were made at this period to the 'Ambassatouris,' Monsr. de Flurie, Monsr. Bewes, 'and with thame the Almane,' (German.) [5] Large payments made to the Secretary during his Embassy to France. The rate of his personal charges was viij franks, or iiij li. iiij s. *per diem*. [6] The 'Letta-camp,' (*lit-du-camp*), regarding which numerous entries are to be found in this and the preceding Appendices. [7] Pinkerton, II. 325, asserts, that 'the Order of the Garter was remitted to James by the hands of Lord William Howard, brother of the Duke of Norfolk; and the young monarch soon after received that of the Golden Fleece from the Emperor, and that of St Michael from Francis. See the Appendix, I, * 289, under date Jul. 13, 1537. [8] The Prothonotary. [9] Many other instances of the King's urbanity are to be found in these extracts. The present probably arose out of a challenge to the five best Archers in the Ambassador's train.

Sep. 3.—*Item*, to Edward Stewart, **Falconar**, to mak his expenſis, and thre ſervandis, paſſin with **Walkis to the King of Ingland**, ... lvj ti. xiij s. iiij d.

The Expenſis maid apone the Schip and Marynaris feis, ſene ſcho come to DUNBERTANE.

Item, in primis, to xij marinaris þat wes ſend hame fra þe SCHIP, be þe ſpace of thre oulkis wagis fra þe thrid day of September (1534), ... xviij li.

Item, payt in Gleſgow to xiiij men quhilk war left with þe ſchip **to bring the King out of Argile**, for ane monethis wagis, begynnand þe ſaid thrid day of September,[1] . xxviij li.

Item, to ane ſeruand of . . . . . COCLEUS, **quhilk brocht fra his Maiſter ane Buyk**, intitulat . . . . . ., to his reward, ... l li.

Oct. 11.—*Item*, to Thomas Myllar, carter, to paſs **to fetche ane brokin Gun** of THE LORD MAXWELLIS **furth of the Langholme**, to be brocht to EDR to þe melting, delinerit to him, v li.

Item, to THE LORD MAXWELL, be Lordis Auditouris of Chekar command, for þe vj **Gunnaris wagis** remanand with him at þe Bordouris, quhilk wes omittit in our laſt Comptis, . xl li.

Oct. 21.—*Item*, to JAMES GREFOUND, **Waliſman**,[2] commandit be þe LORDIS to be gevin **at his departing towart Flanderis**, ... lx li.

Item, to MY LORD MAXWELL, for þe **Keping of the Houſe of Armtage and Rewling of the Inhabitantis of Liddisdale**, be þe ſpace of ſevin monethis, viz. fra þe laſt day of Nouember to þe fyrſt day of Julij, havand in þe moneth Ic. li., ... Vijc. li.

Oct. 22.—*Item*, **ane Bonet to James Stewart**, price . . . . xx s.

Item, to be **ane Gobne to THE KINGIS gracis dochter**, iij elnis veluet, price pairof þe elne lij s., *ſumma*, ... viji l. xvj s.

Item, to be hir **ane Kirtill**, x quarteris ſatyne, price of þe elne xxxij s., *ſumma*, . iiij li.

Item, to lyne þe ſamyne, v½ elnis fuſtiane, ... xxij s.

Item, to be hir **ſarkis and heid claithis**, vj elnis Holane claith, price of þe elne vj s. *ſumma*, ... xxxvj s.

Oct. 24.—*Item*, ſend to THE KINGIS grace with George Steill, xij doſane **Luyt ſtringis**, price of ilk doſane v s., *ſumma*, ... iij li.

Item, ſend with þe ſaid George certane **lyne Picturis of Flanderis**, coſt fra Johne Browne, to THE KINGIS grace, price pairof, ... xvij li.

Item, vij **lyne drinking glaſsis** for THE KINGIS grace, ... xlij s.

Nov. 23.—*Item*, to be **ſchaping claithis** to THE KINGIS grace, iij elnis ſmall Holland claith, price of þe elne xiiij s., *ſumma*, ... xlij s.

Dec. 28.—*Item*, (in Striuiling) for iiij½ elnis and ane quarter ſad grene, **to cobir the Latronis**[3] **in the Kingis Study**, price of þe elne xiiij s. iiij d., *ſumma*, . iij li. iij s. iiij d.

Item, to certane **Play Gownis to the Kingis grace to pass in Maskine**, xxiiij elnis **Scottis quhyte**, price pairof, ... v li. xviij s. vj d.

Item, to be þe tothir half of þe ſaidis **Gownis**, xiiij½ elnis **Scottis blak**, price pairof xj li. xvj s.

Item, to Robert Spittall, for makyng of þe ſaidis **Gownis**, . . . iij li.

Dec. 29.—*Item*, delinerit to þe KINGIS grace, in Streuiling, **to play at the Cartis**, xliij li.

Jan. 13, 1534-5.—*Item*, ſend with Weddaill, futeman to þe KINGIS grace, in Striueling, **ane doſane Awte ſtringis** and xij hankis of **ſmall wyre**, price pairof, ... xx s.

Item, to Thomas Rynd, goldſmyth, for certane **Goldin werk**, coſt be William Hammiltoune to þe KINGIS grace **agane New Yere Mes**, as ane Compt, ſubſcriuit be þe ſaid William, beris, Ic. xxiij li. xij s.

[1] These two entries form the commencement of the Account, which occupies five folios, and amounts to L.502, 13s. 11½d. There are no interesting *items*, the payments being for wages, victuals, timber, cables, &c. No date is affixed to the general account, but it appears to have been rendered early in October, 1534. [2] 'GREFFON,' or Griffin. See Jul. 24, 1533. [3] Desks, O. Fr. *Lettrin, letrin.*

Item, for garnesing of ane bust[1] for bnementis[2] to pe Kingis grace, siluer, and fassoune, xxxij s.

Jan. 31.—*Item*, for vij dosane of Lwit stringis to pe Kingis grace, deliuerit to Maister John Coldoun, ... lvj s.

Jul. 28, 1535.—*Item*, to x careage horsis, tursand the Kingis gracis Pailzeonis to the Wunting in Megotland, be pe space of xviij dayis, ilk horse apone pe day ij s., *summa*, xviij li.

Item, to Malcome Gourlaw, for his avne wagis, tursand and stentand the saidis Pailzeonis, ... xx s.

Item, to iij careage horsis, tursand the Valbertis,[3] at pe said Wunting, be pe space of xvj dayis, ... iiij li. xvj s.

Aug. 5.—*Item*, to the Droirhe,[4] be my Lord Thesauraris command, to lows his claithis fra the tailzeouris, ... xx s.

Aug. 15.—*Item*, to Dauid Dronar, to pass with ane charge to my Lordis Maxwell and Flemyng, to keip meting with the Inglismen for Liddisdaill, . . . xxxiij s.

Aug.—*Item*, furneist to the Ambassiatouris, to vpset pe inlaik[5] of pe iiij^{m}. Crownis gevin be his grace, extending to v s. of euery Crovne, quhilk extendis in pe haill to I^{m}. frankis, *summa* pairof, ... V^{c}. li.

Item, to perfurnes pe haill fynance quhilk pe Tovne of Ed^{R}. fuld haue furneist, pat wantit ij^{c}. frankis, *summa*, ... I^{c}. li.

Oct. 1.—*Item*, to James Lindesay, Falconar, to pass with Valkis to the King of Inglland, to his expensis, ... lx li.

Item, to pe said James, for his childeris expensis, pe tyme his hienes wes at the Wunting in Megotland, ... vi li.

Nov. 2.—*Item*, to Katherine Hammiltoune, be pe Kingis gracis command, in compleit payment of pe sovme of lxxx li. for hir Artailzery, ... xxx li.

Item, be pe Kingis gracis command, to Richart Hume, Inglis manne, quhilk suld mak Violis to the Kingis grace, to by stufe for pe samin, ... xx li.

Dec. 24.—*Item*, to . . . . Makcaw, Nureis, be pe Kingis gracis command, to hir reward for fostering of pe Kingis gracis doehter, ... xiij li. vj s. viij d.

Item, to pe Inglis Bowar, for ane dosan of Bowis, deliuerit be him, at pe Kingis gracis command, to ane servand of Johne Canochsonis, ... vij li.

Dec. 29.—*Item*, to pe Lord Erskynnis sone,[6] quhilk past in France, . xx li.

Item, to George Wallace, for outreddinig of the Kingis gracis schip towart Deip, and fra thyne to Burdeous, payand his Marynaris half hyre in hand, and pe remanent in Deip; as pe said George compt particularlye beris, ... I^{c}.xij li. iiij. s. x d.

Dec. 30.—*Item*, to my Lord Secretar, to his expensis returnand throw Inglland to my Lordis Ambassiatouris in France, ... iij^{c}. li.

Item, to my Lord Abbot of Kynloss, quhilk he gaif to the Inglis currour,[7] at pe Kingis gracis command, ... iiij li.

Item, to pe said Abbot, to his expensis cumand throw Ingland with my Lord Secretar, delinerit be my Lord Thesaurar in France, I^{c}.xlvi frankis, *summa*, . . . lxxiij li.

Jan. 19, 1535-6.—*Item*, to Richart Hume, Inglisman,[8] . . . xl li.

Feb. 1.—*Item*, for ane Ayp to pe Kingis grace, ... vj li.

[1] *Buist*; chest, box. [2] *Unctments*, (ointments.) Probably perfumes, &c. [3] Hunting spears, &c. [4] The Dwarf. This personage was in great favour at Court, and had a regular pension and liveries, which regularly appear in these Accounts. [5] To balance the deficiency. [6] It does not appear which of the sons of John, fourth Lord Erskine, this alludes to. [7] Probably the *Courier*, who brought the Letters of Safe Conduct to pass through England. [8] Who had been employed to make 'Violis' to the King. See Nov. 2, preceding.

Feb. 18.—*Item*, to be ane ſchort coit to Lord James,[1] vj quarterris blak ſatyne, price of þe elne, xxx ſ. . . . . xlv ſ.

Apr. 26, 1536.—*Item*, ſend to þe Kingis grace, with Schir Conſtantyne Ahannay, ane doſane Lwte ſtringis, price . . . . . vj ſ.

Sep. 24.—*Item*, to Butt, PURSEVANT, to pas to ſummond ane Aſsise to the Lord Wume and Lard of Edmeſtoune, ... xx ſ.

Sep. 25.—*Item*, to James Biſſatt, Meſſinger, to pas with Letteris to þe PROVEST AND BAILLEIS OF DUNDEE AND SANCT JONESTOUNE to ſerche and ſeik JOHNE BLACAT and GEORGE LUWETT, ſuſpect of the Wangeing of the Image of Sanct Francis; and to his wage, . xx ſ.

Item, to Ercht, meſſinger, to pas and charge þe LARD OF DUNDAS and CAPITANE OF DUNBERTANE to kep ſuirlie the Lardis of Blacadir and Johneſtoune, . . xx ſ.

Oct. 10.—*Item*, to Peter Thomeſoune, to pas and ſummond the Lord Wume and Lard Edmeſtoune, ... xl ſ.

Oct. 18.—*Item*, be þe Kingis gracis Precept and ſpeciall command, gebin at his gracis departing, to thre ſeruandis þat ſeruis þe LADYIS IN COWPAR, to be þame thre Gownis,[3] xix elnis ruſſatt, ... xj li. viij ſ.

Oct. 31.—*Item*, to James Coluill, meſſinger, to pas with Letteris, chargeing ALL þe GENTILLMEN within þe ſchereffdom of LYNLYTHQUHOW, STRIUELING, PERTHE, and MENTEITHE to pas with MY LORDIS REGENTIS to the Aſsegeing of Edzarstoun,[4] . . . xx ſ.

Nov. 2.—*Item*, delinerit to Schir Henry Balfoure, Chaplane, to be gebin in Almoſse to the pure houſhalderis to pray for the Kingis gracis prosperus returnyng,[5] . . viij li.

Nov. 12.—*Item*, to Arthe, meſſinger, to pas with Letteris to þe ERLE OF MORTOUNE, Erle of Marſchell, Abbot of Newbottill, Abbot of Melroſe, and Lord Seytoune, for ane Conbentioune, to be had in EDR, þe xviij day of þe ſamyn monethe,[6] . . . . . xiiij ſ.

Nov. 15.—*Item*, to Johnne Coib, meſſengeir, to pas to ſummond ane Aſsise bpoun the Theif callit Laidlaw, quhilk was tane be my LORDIS REGENTIS in þe toune of JEDBURGHE, xx ſ.

Nov. 29.—*Item*, þe pennult day of Nouember, delinerit to þe ſaid Sr Henry, to þe effect forſaid, ... x lib.

Item, be command of MY LORDIS REGENTIS, to Malcolmetoiſche, haldíng in Ward in the Caſtell of Edinburghe, for gude rewill of þe cuntré, to his expenſis, . . x lib.

Dec. 21.—*Item*, to PATERSOUNE, PURSEVANT, to pas and ſummond ane Aſsise to the Lord Wumis menne, ... vj ſ. viij d.

Jan. 1536-7.—*Item*, be my LORD REGENTIS command, to ROBENE HART, *alias* Rothesay Herauld, in recompenſe of his travell at the Kingis firſt departing, becaus he was at þat tyme bot wagit to Lundoune, ... xx li.

Jan. 26.—*Item*, to RAE, Inglisman, quhilk come for ane Conduct to Rauff Saidlar, INGLISMAN, ... iij li.

Feb. 24.—*Item*, to RAE, Inglis Purſebant, be þe command of my Lordis Regentis, iiij li.

Mar. 6.—*Item*, to RAE, &c., be þe command, &c. . . . . xl ſ.

Mar.—PURSUIVANTS and Meſſingers got large payments to paſs with Letters to THE BARONS, &c., 'for thair honest preparing agane the Kingis gracis hame-cumming.' &c.

Apr. 1. 1537.—*Item*, to THE CHAPELLANIS OF LAWRETE, to pray for the Kingis grace, xiiij ſ.

[1] The King's natural son, afterwards Earl of Murray, Regent of Scotland. [2] They were again summoned on Nov. 7, following. [3] They also got 'doublattis,' 'hoise,' and 'bonettis,' to correspond.' [4] A number of messengers were sent with similar warnings to 'THE MAISTER OF ARTALZERIE,' to the 'Lard of Cesfurd, to ly about Edzarstoun'—'to caus OXIN be reddy at ye cuming of YE GUNNIS within thair boundis,' &c. [5] Prayers appear to have been publicly offered throughout Scotland. [6] Other summonses sent in various directions.

Apr. 15.—*Item*, to RA, Inglis Purſevant, quhilk come with **Writingis fra the Duke of Northfolk** for deliuerance of ꝑe CHARLTONIS, ... xxx ſ.

Apr. 23.—*Item*, to **Rothesay Harrold**, to pas to Ingland to ꝑe KINGIS grace, being pan in **France**, with Writingis fra MY LORDIS REGENTIS, ... xl li.

Item, to Vmfray Murdoche, to pas with ꝑe ſaid **Rothesay** to LONDOUNE, and to returne agane with ſic nouelles and inſtructionis as pleſis ꝑe ſaid Rotheſay to ſend with him, . xv li.

Apr. 25.—*Item*, to RAE, Inglifman, quhilk brocht Writingis fra **the Duke of Norphok** to my Lord Regentis, ... iij li.

Item, to William Mure, meſſinger, to pas and charge THOMAS KIRKPATRIK OF CLOSBURNE, **to present twa Theiffis**,[1] takin be him in ꝑe Tolboithe of ED^R. ꝑe ix day of Maij, and to his wage, xx ſ.

Item, to Thomas Hammiltoune, maſer, for his lauboris done in **Serching of the Heretikis in the West land**, ... xxx ſ.

May 19.—*Item*, to ꝑe ſaid RAE, Inglis Purſevant, quhilk brocht Writingis, . iij li.

May 25.—*Item*, to Cuddy George, meſſingeir, to pas to **summond the Menne of Aire** to compeir befor ꝑe LORDIS, anent ꝑe geir of ꝑame quhilk was **conbict of Heresy**, . xx ſ.

Item, deliuerit to Williame Mure, Letteris to ꝑe SCHERREFFIS of Kincardin, Drumfreſe, Sterling, Peblis, Selkirk, Perthe, and Abirdene, ... xl ſ.?

'THE QUENIS GRACE (QUEEN MAGDALENE'S) ENTRAY IN EDINBURGHE, AND CORONATIOUNE.'

Item, fielik Letteris to ꝑe Scheriffis of Edinburghe, principall, and within ꝑe Conſtabilrie of Hadingtoune and Beruic,[2] for **the Conuocatioune of the Baronis to the Queenis grace entray in Edinburghe and Coronatioune**; and to his wage, ... xx ſ.

Jul 7.[3]—*Item*, to ane Maſer to paſs to Leith, to charge Wallace **to haue his Schip reddy**, viz. ꝑe MARY WILLYBE, incontinent, **to the Raid**, ... ij ſ.

THE QUENIS GRACIS TYREMENT.[4]

Item, to ane PURSYVANT, to paſs till DUNDE, to charge ꝑe INHABITANIS ꝑairof **to bring thare Blakis**[5] **to Edinburgh, incontinent, for the Queenis Tyrement**, . . xv ſ.

Jul. 8.—*Item*, deliuerit to **Payntouris**, for iiij^c. **Armys at the Queenis Obit**, . xl li.

'THE QUENIS OBIT, NONO JULIJ.'[6]

Jul. 9.—Great quantities of Black '**Scottis Claith**' and '**Franche Blak**' were purchased for 'GOWNIS, COITIS, and HUDIS,' and 'BONETTIS,' &c. to the retainers and servants of the Court. As the subject is so remarkable, pretty copious selections shall be given.

Item, refauit fra Maſter Adam Ottirburne, thretty elne **Wollaud claith**, deliuerand to James Scrymgeour, **to be Valis to the Franche Ladyis**, price elne viij ſ., ... xij li.

Item, xxij elne QUHYTE SATYN **to be Croceis upon the Veluet**, price elne xxviij ſ., *ſumma*, ... xxxj li. vj ſ. vj d.

[1] By another entry, on May 25 following, he was ordered to deliver 'NINIANE DUNWEDY and his marrow, vnder the pane of putting to the horne.' These were the twa Theiffis alluded to. [2] All the other Sheriffs got similar notices. [3] There can be no doubt that this was the day of the Queen's death. Without multiplying authorities, see Jul. 7, 1539, &c., of this Appendix. The date of the Obsequies, performed in Jul. 1538, is carelessly left blank. 'Interment; Funeral obsequies. For many curious particulars relative to the amiable QUEEN MAGDALENE, see *Mr Pinkerton's* History. *Mr Tytler's* researches also may be expected to throw much light upon the History of this period. *Pinkerton*, following *Buchanan's* authority, fixes Jul. 7 as the day of Queen Magdalene's death. *Leslie*, p. 153, says, 'Scho deceissit the xth day of Julij, and was buryit in the Abbay Kirk of Hallyrude-hous.' [5] All authors are agreed that the public regret was so great, that this was the first occasion of a general PUBLIC MOURNING. Indeed *Buchanan*, who was an eye-witness, says it was the first instance of MOURNING DRESSES having been worn by the Scots, 'which even now, after forty years, are not very frequent, although public fashions have greatly increased for the worse.'—*Buch.* Book XIV, 52. [6] This date refers to the period when 'Master Thomas Marioribankis' entered into office as Clerk to Robert (Cairncross), Abbot of Holywod, Lord High Treasurer. The furnishings for THE FUNERAL OBSEQUIES were expended under different heads; the 'Broadstar,' or embroiderer; the 'Maister Stabillar,' &c. had each the charge of their own respective departments.

Item, aucht elne veluet deliuerit to the Tapesar,[1] price elne l s., *summa*, . xx li.

Item, xxviij Holland claith, price elne ix s., *summa*, ... xij li. xij s.

Item, ten elne vterfyne[2] to be ane Goune to ane Franche Preist, Coit and Hude, xiij li. vj s. viij d.

Item, tua pund sex vnce of blak sewin silk to be Frenzeis to the Quenis Cobme,[3] ix li. xv s.

Item, tua grete hankis of gold to the Browdster, ... xliiij s.

Item,[4] sex Grete Armys[5] and sex small, price of pe Werkmanschip and sewing of pe Grete Armys, ... iij li.

Item, for pe small Armys, ... xxx s.

Item, for making of twa Crocis, ane grete and ane small, . . . xv s.

Item, syftene elne grete frenzeis,[6] . . . . . xv s.

Item, tuenty aucht elne small frenzeis, ... xviij s. viij d.

Item, aucht knoppis and fassis[7] making, price, ... viij s.

Item, to my Lord Thesaurar ij steikis[8] blak Veluet, contenand xliij eln, price eln lvj s. *summa*, ... Ixx li. viij s.

Item, mair to him, vij elne iij quarteris and ane naill blak veluet, . xxj li. xvij s. vj d.

Item, xix elne small Holland claith, ... xiij li. vj s.

Item, fra Master Francise Boithuilis Wyfe, to the Quenis Tyrement, x elne Purpure veluet, price elne iij li., *summa*, ... xxx li.

Item, foure elne of Franche blak, to be ane Fute Mantill and ane harnessing to the Kingis Grace Mule, price elne xxx s., *summa*, ... vj li.

Item, tua elne bukram, to lyne pe said Fute Mantill about pe bordouris, . . vij s.

Item, tua elne tua quarteris Franche blak deliuerit to Patrik Sklatar to cobir ane Sadill to pe Kingis grace, ... iij li. x s.

Item, five elne frenzeis of blak silk to pe samyn sadill, . . . vij s. vj d.

Item, fra Williame Keris wyfe, sex elne Scottis blak to be Harnessingis to Mulatis, v li. ij s.

Item, thre quarteris Scottis blak to complete furth pe said harnessingis, . xij s.

Item, tua dosane cordis of silk, price of ilk dosane ij s. viij d. to knyt pe Harnessingis of the Kingis saddill, ... v s. viij d.

Item, four dosane carddis[9] to fessin pe claith apon pe harnessingis, . . . xiiij s.

Item, sax blak beltis to pe sex Mulatis, ... v s.

Item, thre elne canves to lyne pe teis of pe Mulatis, ... iiij s.

Jul. 10.—*Item*, to the Kingis Tappesar for pe Ribbonis and Testimentis pat war maid for pe Quenis Tyrement, viz. lx elnis, price elne viij d., *summa*, ... xl s.

Item, to pe Quenis . . . . Testimentis, liiij elne ij quarteris blak . . .[10] bukram, price elne xl d., *summa*, ... ix li.

Item, for half ane pund blak threid to him pe samin day, ... iij s. iiij d.

Item, half ane elne Crammesy Satyne, ... xl s.

Item, deliuerit to Robert Harvar, seruitour to my said Lord,[11] to the Quenis Tyrement, xx elne j quarter blak veluet, price elne lvj s., ... lvj li. xiiij s.

Jul. 11.—*Item*, deliuerit to pe Kingis grace, in pe Abbay, ane Pissane of Mailze[12] and ane Wudskule,[13] . . . . . xl s.

[1] The person who had charge of the Tapestry and hangings. [2] Probably a kind of *superfine* cloth. [3] There are furnishings of additional silk from various merchants, amounting in all, with the above Funeral Pall, &c. to L.85, 13s. 9d. [4] This and a number of the following entries are in 'the Browdstaris Compt.' [5] Coats of Arms for the Funeral Pall and Canopy, &c. [6] Fringes. [7] Knobs and tassels or bunches. [8] Webs, pieces. [9] Silk cords or strings. [10] These left blank in the accounts. [11] Robert (Carncorse) Abbot of Holyrood, Lord High Treasurer. This part of the Accounts was given in 'by me Master Thomas Marioribankis, as Clerk to ane venerabill fader in God, Robert,' &c. [12] A sort of gorget or defensive armour of mail for the neck. [13] This and the other Tournaying weapons were delivered by 'Williame Smeithbeird,' Armourer.

APPENDIX.

Item, for grathing and dichting of twa Pissanis of Mailie to pe Kingis grace, and ane Habirgeoun[1] of Mailie, with ane certane nalis ourgilt to ane pair of Brigantynis,[2] . x ſ.

Item, for beiring of xxiij Gebillingis[3] and ane Blak ſtand of Harneſs to pe Abbay, viij d.

Item, for ane Grete Suerde bering to the Abbay and fra pe Abbay agane, . xvj d.

Item, for dichting and grathing of four dosane of Halbertis, quhilkis pe Kingis grace had apone pe Sey with him,[4] . . . . . xlviij ſ.

Item, for pe dichting and grathing of twa dosane Jedburgh-ſtallis, . xxiiij ſ.

Item, for grathing and dichting and tynnyng of ten Twa-handit Suerdis, . l ſ.

Item, for dichting of (ane) ane handit Suerde, . . . ij ſ.

Item, for pe grathing of ane Rappere, ... ij ſ.

Jul. 12.—*Imprimis*[5] ane ſteik[6] of Blak Velvet contenand xxj elne j quartar and 3 quartar, price of pe elne lvj ſ., *ſumma*, ... lix li. xv ſ.

Item, ſauld ane ſteik of Scottis blak, contenand xxviij elne, price elne xviij ſ., *ſumma*, xxv li. iiij ſ.

Item, mair to my Lord Thesaurar ane ſteik of Rowan[7] blak, contenand xxiij elne ¾, price, ... xxxvij li. xij ſ.

Item, delinerit to Thomas Arthure to be ane Coit with slebis to the Kingis grace, iij elne iij quartaris, of fyne Parife blak, price elne iij li., *ſumma*, ... xj li. v ſ.

Item, to lyne pe foirſaid Coit with, iiij elne ½ of fyne blak Taffatyis of cord, price elne xx ſ., *ſumma*, ... iiij li. x ſ.

Item, to Danid Zongar, furrour,[8] for Mynnybaris and part of Quhyte skynnis to lyne tua Gownis with thare Hudis to the Ladyis of Honour, . . . iiij li. xiiij ſ.

Item, delinerit to pe Master Almosar[9] be Dene Johne Wilſonn, . . lxxx li.

Jul. 13. *Item*, to ane boy to pas to Melrose and Dryburghe to warne pe Abbottis to the Queenis graciis Tyrment,[10] . . . . . ij ſ.

Item, gevin in arlis[11] of thre ſteik[12] of Clayth of Gold coſt to the Kingis grace in Lyons, and quhilkis his grace reſſauit agane in Parife, ... ij c li.

Item, coſt to his grace, ſiclik, in Lyons, twa grete Iparis of Turke (Turkey) werk,[13] price pairof, ... Ilxxxx li.

Item, coſt ſiclik xij Couertouris for Burdis,[14] price of ilk pece iiij li., *ſumma*, . xlviij li.

Item, for my Lord Erskynnis ſuperexpenſis, pe tyme he was in Ingland, for Stallarionne of pe Kingis grace in the Ordour of the Gartene, ſend vnto his grace be his vncle pe King of Ingland;[15] as wes particularlie examinat apone pe Compt gevin in be pe ſaid Lord, xlix li. xvij ſ. x d.

The Queenis nyne Pagis and three Allakayis got black Doublatis, Hoife, and Bonettis.[16]

Jul. 15.—*Item*, to Thomas Arthuris feruand, callit Thomas Crag, to be the Kingis grace ane Ryding Coit, four elne of fyne Parife blak, price elne iij li., *ſumma*, . . xij li.

Item, to lyne pe foirſaid Ryding coit, fyve elne of blak taffatyis of cord, price elne xx ſ., *ſumma*, ... v li.

Jul. 16.—*Item*, to Thomas Arthure, ane elne of Parife blak to be the Kingis grace Schone,[17] . . . . . l ſ.

[1] Habergeon. It is sometimes written *Hawbirscheoune*, and *Awberchoune*; being a coat of chain mail, wanting the sleeves. [2] Armour for the thighs and limbs. [3] Javelins. [4] When he went to France on his matrimonial expedition. [5] This forms the commencement of another branch of these Accounts. [6] Piece or web. [7] Rouen, in Normandy. [8] Furrier. [9] This payment to the Almoner was for charitable purposes. [10] Messengers dispatched to the other Religious Houses. [11] *Arrhæ*, an earnest penny. [12] Pieces or webs. [13] Probably mats or Turkey-carpets. [14] Table-covers. [15] See Jul. 3, 1534, of this Appendix, I, * 283. Although the repayment of Lord Erskine's 'superexpensis' is entered here, the date of the King's Investiture must have been a considerable time previous to this time. [16] It is unnecessary to give the details here. [17] Shoes.

Item, deliuerit to Robert Gib be þe faid Patrik (Sklatar) to þe KINGIS Grace ane sadill coberit with Blak of the new fassone, furnyft with gyrthis and ledderis to þe famin fadill, price, ... xl ſ.

Item, for ane Barnessing of blak ledder, coberit with blak of the Franche fassone,[1] price, ... xx ſ.

Item, for twa pair of girthis and wamebrafis[2] for Armyn fadillis, . . vij ſ.

Jul. 18. *Item*, to Thomas Crag, fyve elne Paris blak, to be þe KINGIS grace ane Rydding Goune with ane Hude, price elne l ſ., *summa*, ... xij li. x ſ.

Item, thre elne and 3 quartar of Parife blak to be þe KINGIS grace ane Rydding Cloik, price elne l ſ., *summa*, ... ix li. xv d.

Jul. 19. *Item*, fevin quarteris, ane naile lefs, of fyne Parife blak, to be þe KINGIS grace ane pair of Boise and ane Maill, price elne iij li., *summa*, ... v li. xv d.

Item, tua elne and ane quarter of Taffatyis of cord, to lyne þe KINGIS grace ane pair of Hoife, ... xlv ſ.

Jul. 22.—*Item*, tane fra Mungo Tennand to be the Kingis Dule-Coit and Hude,[3] and for þe making of þe famin, ... x ſ

Item, for poyntis to þe tua Coitis and doublate, ... xvj d.

Jul. 24.—*Item*, coft[4] fra Henry Lillie, and deliuerit to þe faid Tapefar, twa fteikis[5] of double Damyostage[6] to hing about the Queein, qubair þe VELUET hang, . . vj li.

Item, fra Thomas Todynar, &c.[7] thre fteikis xiiij eln ane quarter of double Damyostage to hing as faid is, ... xj li. x ſ.

Item, fra Johne Dowgall fevyn elne Millane[8] fustiane at þe LORDIS command, to put in the Chapell in the Palace, price elne v ſ., *summa*, ... xxxv ſ.

Item, fra þe faid Johne, ser faldome cordis[9] to þe famyn effect, . . xij d.

Jul. 28. *Item*, to WILLIAM EDBE, Tapesar to þe KINGIS grace, . xx li.

Jul. 30. *Item*, to GILLIAM the Queenis Furrour, . . . xx li.

Aug. 4.—*Item*, to Johne Gourlay, to pafs with thre cloife Writingis to þe KINGIS grace at Temptallown, ... viij ſ.

Item, to Johne Forfythe, to pafs to Banff, Elgyn, Fores, Invernys, and vþiris placis neidful, to discharge the Erle of Murray of his Lieutenmandrie in the North partis, to his expenfis, l ſ.

Aug. 18.—*Item*, to MASTER ALEXANDER BRAND, Reipar of the Glammys[10] & Baky, xl li.

Aug. 20.—*Item*, to PATRIK WEMYS, to gif amang the Franche men and women at thare departing to France, ... iiij^c li.

Item, four elne 3 quarteris of gray, to be Hoiffing to þe KINGIS Standertis of his Lettacamp, ... xj ſ. j d.

Aug. 21.—*Item*, deliuerit to William Calderwod, for ane pair Organis to þe Kingis grace Chapel, price of þame, ... lxvj li. xiij ſ. iiij d.

Item, to MASTER GEORGE BUCHQUHANNAN, at þe KINGIS command, . xx li.

Aug. 22.—*Item*, to Williame Smeithberd, for þe mending and grathing of tueli steile Sadillis of þe KINGIS, ... iiij li. iiij ſ.

Item, for bukkillis, pendasis,[11] and vþir geir tane[12] be Robert Gib, . . iiij li. ij ſ.

[1] A number of similar entries, but too minute to be noticed here. [2] Literally *Belly-bands*. Preparations for the Tournament are strangely mingled with the funereal trappings. [3] The mourning Coat and Hood. [4] Purchased. [5] Webs, pieces. [6] *Dr Jamieson*, on the authority of *Cotgrave* and *Roquefort*, considers this 'to have been a kind of Temming or taminy, from O. Fr. *Ostade*.'—'A demy ostade, cut in panes like a Spanish leather jerkin,' *Cotgrave*. [7] In consequence of the sudden and unusual demand, the purchases were made from a great variety of tradesmen. [8] Milan. [9] Six fathoms of cords or ropes. [10] After the execution of Jonet Lady Glammis, and the Forfeiture of her son. [11] Pendants. [12] Purchased.

APPENDIX.

Aug. 24.—*Item*, refauit fra Williame Haw, threttene elne vterfyne, to be four Fute-Mantillis and four Varnessingis to þe Franche ladyis faddillis, price elne xxiiij ſ., *ſumma*, xv li. xij ſ.

Item, tuelfe elne Franche blak, to be thre of the gretaſt Fute-Mantillis and thre Varnessingis to þe gretaſt Ladyis, price of þe elne xxxiij ſ., *ſumma*,[1] . . . . . xx li. viij ſ.

Aug. 25.—*Item*, to Biſſate, Meſſinger, to paſs to GLASGW, and vþer places in þE WESTLAND, for Worsis to the Quenis Ladyis, ... xx ſ.

Item, deliuerit to the Tapesar be my Lord Theſaurar, ... xx li.

Aug. 28.—*Item*, fyve elne Pariſe blak, to cobir ane Littar of ane Ladyis,[2] price elne xxxiij ſ., *ſumma*, ... viij li. x ſ.

Item, aucht ſcoir and aucht Bukkillis to þe foirſaid ladyis, price of the pece viij d., *ſumma*, ... v li. xij ſ.

Item, ane hundreth Pendissis[3] and ſex, price of þe pece vj d., *ſumma*, . iij li.

Item, gevin for þe Vernessing of the Pendeſſis, plaittis, and bukillis, . . xxij ſ.

Item, for making ane covering to the Chariot, ... x ſ.

Sep. 4.—*Item*, gevin to PATRIK WEMYS, Maſter Houſhald, xxij Crovnis; to my LORD SECRETAR, vj Crovnis, to gif ane part of the Franche men, at thare way-passing, *ſumma*, xxviij li.

Item, gevin to my LORD SECRETAR, þat he deliuerit to the Franche Labendar and hir husband, at þare away-paſſing, ... xl ſ.

Item, to twa seruandis of the Quenis (quhilkis) war nocht of mynde to have departit, and now defyris to depart; and now it is ordanit be þe Lordis of Counſale of Chekkar, ilkane of þame to have ſex Crownis, *ſumma*, ... xij li.

Sep. 14.—*Item*, gevin to Patrik Wemys, to gif the Tapessery man that past to Franche, (France,) . . . . . vj li.

Sep. .—*Item*, to TWA DOCHTERIS of the Lady Glammys[4] twa pair doubill ſolit ſchone, price of þe pair ij ſ. ij d., *ſumma*, ... iiij ſ. iiij d.

Item, gevin to þame twa Pursis,[5] . . . . . ij ſ. viij d.

Item, tane fra James Corſby, an elne of blak to be Voise to þame, . . xx ſ.

Item, gevin to Dauid Hoppringill, to pay for þare lugeing and meit, ſa lang as þai remanit in EDR, and þe ſaid Dauidis expenſis to ryde with thame to Wadingtoun and Northberwik,[6] xx ſ.

Sep. 17.—*Item*, deliuerit to ſex Franche Ladyis, ſey Sadillis, . . xij li.

Item, fyve new Sadillis to þe Franche Ladyis, furnyſt with brydillis, harneſſing, and girthis, price of ilk fadill iij li., *ſumma*, ... xv li.

Item, ane pair of Girthis to ane pilgate, price, ... ij s.

Item, deliuerit to ane Francheman ane fadill, to ryde with the Franche Ladyis, price, xl ſ.

Item, to diuerſe men and wyfis in þe Cannongate, for þe lugeing of the Franche men þat paſt away, in part of payment of ane Bill particularlye writtin and ſubſcriuit with Maſter Johne Cowdanis hand, lxxxvij li. viij ſ.; payit þairof to þe ſaidis men and wyfis, . . lxxx li.

SUMMA totalium Expensarum (a Junij iiij ad Sep. xxviij, 1537),

iiijM vijC xxxvij li. xviij ſ. j d. ob.

[1] Various similar entries. [2] A number of other 'littaris' for the French ladies occur in these Accounts. [3] Pendants. [4] What the names of these unfortunate young ladies were, the Editor has not been able to discover. The Peerages mention only one daughter of John, *sixth* Lord Glammis, ELIZABETH, married to *Ross of Craigie;* but it is probable that the Ladies mentioned here were daughters of Lady Glammis by her second marriage with Campbell of Skipnish, who was killed in attempting to escape from the Castle of Edinburgh about the period of LADY GLAMMIS's Execution. See I, * 187, and the preceding Appendix, &c. [5] A most munificent donation! It will afterwards be seen, that the King and Queen regularly took up their abode at GLAMMIS CASTLE during part of the Hunting season; and doubtless the rents of the large possessions belonging to the young Lord were seized upon by the Crown whilst this young Nobleman was imprisoned in Edinburgh Castle, from which he was not liberated until after the death of KING JAMES V. [6] It is extremely probable that these young ladies were given in charge to the Prioress of North Berwick, to be brought up as Nuns in that Monastery.

SUMMA totalium Expensarum (ad supportationem Expensarum Regis in Francia.[1]) . . . . . vij^{m}ix^{c}xlix li. vij s. vij d.

Sep. 19.—*Item*, gevin to Anthone Barbour, Franche man, for the grathing 'and bowelling of the Quenis grace,'[2] quham God affolzé,[3] . . . . . iiij li.

Item, coft be Thomas Arthur, auchtene elne vterfine, to be four Franche Ladyis Dule Gownis, maid of pe faffoune of Preiftis Gownis, price elne xxiiij s., *fumma*, xxi li. xij s.

Mar. 1537-8.—*Item*, to JONET DOWGLAS, the spous of Dauid Lindesay of the Monthe,[4] at pe KINGIS grace command, as pe Precept beris, ... xl li.

Apr. 1538.—*Item*, to KATHERINE BELLENDENE,[5] for dettis awand to her be pe QUENIS grace the Kingis moder, at his gracis command, becaus he tuke pe det on him, Vj^{c}. lxvj li. xiij s. iiij d.

Item, deliuerit to Johne Mofmanne, to mak ane square Chenze of Gold to pe KINGIS grace, with Knoppis, ... liiij li.

Item, tane of pe faid Jhonis avne gold, to compleit the said chenze with, quhilk weyit quhen it wes reffauit agane fra him. mair pan he reffauit, ix Crownis of wecht, . . ix li.

Item, to him for Making of pe faid Chenze, ... iiij li.

Item, for mending of the Kingis Ordour and Target, . . . xiiij s.

Item, for gold to it, mair pan he reffauit, ... xx s.

Item, for mending of ane Coupe of siluer and pe gilting of it, . . xl s.

May.—*Item*, for xiij elne ½ elne Quhite Venyce Sating[6] to be ane Gobne to his grace, quhilk was lynyt with freis, claithe of gold, and pafsmentit; pe quhilkis lynyng and pafsmentis war tane furthe of pe Warddrop: price of pe elne of pe fating, xxxiij s., *fumma*, . xxij li. xix s.

MARRIAGE OF KING JAMES V TO MARY OF GUISE.

"Expensis debursat, at the Kingis command, vpoun pe (iiij) TRUMPETOURIS, (iiij) TABERNARIS, ('iij QUHUSLARIS') and vperis pat past in pe Schippis to France, 'for hame-bringing of the Quene.'" The dresses, &c. were very superb, and 'Leberay Claithis' were also provided for Serbants of the Royal Houseford, with 'GUNNARIS,' 'SCHALMERIS,' MINSTRELS, &c. and including 'ix PAGIS, iiij ALLACAYIS, iij MULITARIS, v TRUMPETOURIS, and iiij ARMORARIS.' The particulars, though very interesting, are too voluminous even to admit of selection. On adding up these expenses, they are found to amount to . . . I^{m}. ij^{c}. xviij li. xvij s. vd.

Item Dreffes for 'the Kingis grace dochter,' being 'ane Kirtill and Goune of pe Frence (French) fort' of 'blak fatyne of Venife,' 'blak veluet to wat' (walt) it, and to 'mak hir hude of pe Frenche fort,' with linings of 'crammefy fatyne,' &c.; and for 'ane chafferoune of gold Parife werk, quhilk weyit in gold x Crownis and ane half,' amounting in whole to . xlj li. ij s. x d.

Item, to Johne Gourlaw, for pe paffing with pe KINGIS Letteris to pe Quenis-ferry and Leith,[7] for Proclamatioune making till all Mariners and schipmenne to compere in Leithe, pe thrid day of Maij, and refaif pair Wagis for passing in France, in pe KINGIS SCHIPPIS, for hame-bringing of the Quene, ... iij s.

[1] This Account immediately follows the other, and contains the receipts of the New Tax on the Spirituality and Temporality, imposed on them to meet THE KING'S expenditure in FRANCE. The amount of William Bishop of Aberdeen's expenditure, from Sep. 12, 1536, to Sep. 27, 1537, as appears by his Account, which precedes the two former, was L.3627, 11s. 5¼d. [2] These words have been deleted by another hand, and 'ANATOMAT (anatomizing?) and laubouris made anentis THE QUENIS' are interlined. [3] The charges for spices, &c. fall under the Household department. As Selections from THE HOUSEHOLD BOOKS OF JAMES V. are in the course of publication by some Members of THE BANNATYNE CLUB, it is unnecessary to give any extracts from that source. [4] See these Extracts, Dec. 1530, and *Note*. [5] This person seems to have been an Embroiderer, and has many very large payments made to her during the present reign. [6] The furnishings to this Gown, two doublets, and hose, the particulars of which occupy three folios, amounted in all to L.174, 5s.—Another 'COIT OF PURFOUR SATING' and 'browdiring' cost L.125, 19s.—but the *items* are too numerous to be noticed here. [7] Similar notices were sent to 'Abirdene, and vther partis betuix Leith and Abirdene, to cause the land menne cum to Leith and ressaue thair wagis,'—and for 'iiij Gunnaris' from Dunbar. And warnings were also sent to the Barons 'till cum to SANCTANDROIS to THE QUENIS LANDING.'

Jun.—Large payments for **Dresses to the King**, and for 'careing[1] and schipping of þe Kingis geir and clething fra Edinburghe to Sanctandrois, and geir bocht to þe Kingis grace'—Dresses to 'M. Jane, the Kingis dochter, and her Nureise, Normond Leslie,' &c.—'Tappesschere, Comparalionis, and jornais, and vther Justing geir'—'Munitionis coft be Johne Bertoune in France,' (extending to iiij^c. xxviij ti.)—Gold Rings, anamaling, dyamontis, and goldsmith work, among which 'ane Terget of Gold, with ane Marmadyne in it of dyamontis, of þe KINGIS awin gold,' the workmanship of which cost iij ti., &c. &c.—The total expenditure of that month was . . I^m. vj^c. xx ti. xx d.

Jun. 23.—*Item*, to Johne Paterfone, Purfevant, for passing with Letteris to Couper, Falkland, Kircaldy, Dunfermeling, ane Edinburghe, **to caus honest reparaling be maid for the Queenis Entering**, [QUEEN MARY OF GUISE'S PUBLIC ENTRY,] . . . xiij s.

Jun.—þe KINGIS grace BOWARE, sen Witsonday last bypast, viz.

In primis, deliuerit to Johne Tennand, **thre Pellok-bowis**, for þe Irne of ilk bow x s., price of ilk bow xx s., *summa*, ... iiij l. x s.

Item, to þe KINGIS grace selfe, **ane irne of ane Pellok-bow**, . . . x s.

Item, to þe KINGIS grace selfe, in HALIRUDHOUSE, **ane dosane braid Arrowis**, xx s.

Item, &c. **ane bow**, with ane dosane **Arowis**, ... xx s.

Item, to Johne Tennand, at TEMPTALLOUN, tua dosane of **Arrowis**, , xl s.

Item, to þe KINGIS grace, pair, ane dosane Arrowis, , . . xx s.

Item, for þe **fethering**[2] of thre dosane Arowis, ... xxx s.

Item, deliuerit to Johne Tennand, **ane bow** to þe KINGIS grace,[3] . . xx s.

Jul. (7.)—'The Expensis debursate vpoune **the Queenis Saull-Mes and Dirige**, quhom God assoil3é.' (See the particular articles, under the date Jul. 7, 1537, being the day of her death.)

Item, to Schir Thomas Cragy and ane vþer with him, for making of iiij dosane of **Armes**, iiij ti.

Item, to þe **Bell-manne**, ... xviij s.

Item, to **the Pow-penny**, deliuerit to Dauid Lindesay, **Lyoune Herald**, ane croune of wecht, ... xx s.

Item, to **Chaiplanis being at the Dirige and Saull-Mes, the tyme of the Obsequyis**, ilk Chaiplane havand ij s., extending to vij^xx x, (150,) *summa*, ... xv ti.

Jul.—**The 'Kingis Tapesscherie**, and vþeris his geir' were transported 'furthe of SANCTANDROIS to EDINBURGHE, Cowper, Falkland, Dysart, Dunfermeling, and Linlithqw,' at various times during the present month. No minute dates are preserved in this Account. The expense of 'tursing,' 'grathing þe Mulatis,' 'fraucht,' &c., amount to . . xlix ti. ij s. iiij d.

The expensis debursate vpoune þe '**Careage of the Queenis geir.**' (A few of the *Items* of which Account follow,) . . . . . lxij ti. j s. ix d.

Item, to Alexander Naper, for **mending of the Queenis Sadill and her Cheriot**, in Sanctandrois, ... xiiij s.

Item, for **carying of beding and coferis**, with lynnyng claithis; and ane coffer of þe Maister Stabiller to þe Quene; **ane chiar and ane buird**[4] to þe QUENE, fra Sanctandrois to Couper and Falkland, and fra Falkland to Ravynnisheuche and Dunfermeling, þe space of iiij dayis, ilk day ij cartis and iiij horsis, þe price of þe cart on þe day ij s. vj d., and þe horse on þe day, ij s., *summa*, lij s.

Item, for carying of þe said geir furthe of Dunfermeling to þe Ferry, v horsis, ilk horse xviij d. . . . . vij s. vj d.

Item, for **carying of the Dames of Honouris beddis** fra Dunfermeling to Ed^r, iij s.

Item, for iiij elnis grene velvet, to be **þe cobering of ane sadill to the Fule**,[5] . xiij ti.

[1] Carrying; transporting. [2] Feathering. [3] These *Items* are selected to remark the quantities of bows with which THE KING was constantly supplied, of which the above is only one instance. [4] A chair of state and table. [5] The Queen's FOOL was a French woman, named SERAT, who appears to have been in great favour at Court. See Aug, 1538, Apr. 16, 1540. The party-coloured dress of the Court Fools, both male and female, was

Item, for xiij vnce ȝallow silk to be frenȝeis to þe said sadill and harnessing, price of þe vnce v s., *summa*, ... iij li. v s.

Item, for wirking of þe said frenȝeis, ... xv s.

Item, for x elnis of blak veluet, deliuerit till Patrik, saidlar, to be ane cobering of ane sadill and ane fute-mantill to ane of hir ladyis, ... xxvj li.

Item, for iij elnis ½ elne braid gray, to lyne þe said mantill with, . . viij s. ix d.

Item, for xv vnce ½ vnce of silk, to be frenȝeis, . . . iij li. xvij s. vj d.

Item, for wirking of þe said frenȝeis, ... xv s.

The 'Expensis deburſate vpoune Madame Montrulis cariage furthe of Sanctandrois, and vþir expensis maid on hir seruandis,' amount to . . . lxxiij li. ij s. xj½ d.

Item, to Robart Dauidsoune, for feching of Walkis furth of þe Illis fra Mclane, v li.

Item, to Johne Halden, in Kircaldy, for twa Falconis bocht fra him in Falkland, viij li.

Item, for vj elnis of Parise blak, to be Maister George Balquhannane ane Goune, at the Queenis Grace Entre in Edinburghe, ... x li. xvj s.

Item, for iij elnis of blak satyne, to lyne þe forder quarteris and slevis of þe said Goune, price of þe elne xxxiiij s., *summa*, ... iiij li. xviij s.

Item, for vj elnis of blak veluet, to be him ane Hugtoune cote,[1] . xvj li. xvj s.

Item, Maister George Balquhannane, be ane speciall Precept, at þe Kingis command, ... xx li.

Item, deliuerit to Johne Coib, messingeir, for passing with our souerane lordis Letteris to þe Wardane of þe West Marchis till charge all Borderaris and vþeris þat nane mak Mercate with Inglis menne, in þai partis, nor commoune nor intermell with þaim, becaus of the Pestilence, new rissin bpoun the Bordouris, ... xxiiij s.

Item, to Alexander Hutonne, messingeire, for passing with siclike Letteris to þe Wardane of þe Eist and Myddill Marchis, ... xx s.

Item, to Johne Patersone, Purseuant, passand with siclike Letteris to Dunbar, Hadingtonne, Leithe, Edinburghe, Kingorne, Kirkcaldy, Dysart, and all pairtis of þe Sey-coist, baithe on þe Southe syde and Nortbe syde of Forthe, that na Inglismen be sey cumand be ressauit, . xxviij s.

Besides the ordinary Liberies, are Dresses, &c. for ix Paigis, iij Allakayis, x Grvmis of the Stabill, v Grumis of the Quenis stabill, &c., but too lengthened to be inserted here.

Summa totalis mensis Julij, ... ij$^{m.}$ j$^{c.}$ v li. iij s. iiij d.

Aug.—Payments for the King and Quenis cariage to Linlithqw and to the Huntis, amounting to . . . . . lxxxiij li. v s. v d.

Item, for vij elnis ½ elne grene Birge Satyne, to be the Queenis Fule[2] ane Goune, price of þe elne, x s., *summa*, ... iij li. xv s.

Item, for v elnis ½ elne ȝallow birge Satyne, to be hir ane Kirtill, price of þe elne x s., *summa*, ... lv s.

Item, for vj quarteris of fusteane, to be þe bodyis to þe Kirtill, and lyne þe bodyis of þe Goune with, ... v s.

Item, for ij elnis ½ elne blaid blak gray, to lyne þe Kirtill with, price of þe elne xxviij d. *summa*, ... v s. iiij d.

Item, for iij elnis of grene bukreme, to lyne hir goune with, price of þe elne ij s., *summa*, vj s.

Item, deliuerit to Johne Mosman, to mak ane Croce of gold to set diamant stanes in, viij Angell nobillis, vj lycht Franche crownis, *summa*, . . . xvj li. iiij s.

green and *yellow*. So far as the Editor recollects, this is the only instance in history of a Female Buffoon, or Fool, for the amusement of the Court.

[1] O. F. *hocqueton*, a sort of sleeveless jacket; a cassock. [2] 'Serat,' a female. See Jul. 1538, and Apr. 16, 1540.

APPENDIX.

Item, for þe faſſoune of þe ſaid Croce, ... v li.

Item, to Normond Leſlie, at þe Kingis command, ... xl li.

Item, to Johne Fiſcheare, for merchandice tane[1] be Madame Montruſe, at þe Kingis command, be ane Precept, ... xxxvij li. vj d.

Item, to William Hill, for mending of þe Mvnicionis[2] in the Toure of the Abbay, at þe Kingis command, ... v li. x ſ.

Item, to Johne Creiche, ſkippar, in compleit payment of þe fraucht of his Schip quhilk past in Denmark for pulderis and Gunnis, ... vij li.

Sept.—*Item*, deliuerit and gevin to Williame Smebeird, for dychting of Swerdis, rapperis, harneſsing, ſteill-ſadilliis, Jedburcht-ſtabis, and vperis Wappinis, to þe Kingis grace, deliuerit to Robert Gib and Johne Tennand, ... xxiij li. v ſ.

Item, deliuerit to William Eidve, Tapeſchere, for furnyſſing of the Franche Nureis[3] Expensis ſene þe Quenis gracis hame-cuming, and hir hutband and þair fervandis expenſis: and for hir Med-wyfe, in lykewyfe, for ane monethis expenſis, maid be him at þe Kingis gracis command, xxj li.

Item, gevin to Duncan Campbell of Drumſad, for ane horſe of his þat wes ſlane turſand þe Kingis Vennesoune out of Glenfinlass, at þe Kingis grace command and Precept, v li. vj ſ. viij d.

Item, to Schir James Inglis, Chaplane, ſingand for the Saull of King (James) the Third in þe Abbay of Cambskynneth, ... xiij li. vj ſ. viij d.

Sep. .—*Item*, to v Falconaris, quhilkis passit in Franche with Valkis, xx elnis of Frenche *coleur de Roy*,[4] to be þame Cotis, ... xiiij li.

Oct. .—'The Cariage of þe Kingis and Quenys geir fra Ed^r to Striuiling,' &c. amounts to . . . . . xix li. xvij ſ.

Nov. .—'The Expensis deburſit one the Queuys grace and hir Ladyis,' 'Lady Jane,' 'Lord James Abbot of Kelso,'[5] &c., are curious, but too lengthened to admit of particular notice. Similar entries also occur, with Liveries, &c. in the following and other months of these Accounts.

Dec. .—*Item*, to Thomas Ryne, goldſmyth, for Chenzeis of gold, gold ryngis, tabillatis, and vþir goldin werk delinerit be him to þe Kingis grace, agane New Zeris Mess, and gevin in New Zeris Giftis, ... ij^c xxxix li. xix ſ.

Item, to Johnne Kyll, goldſmyth, for thre Chenzeis and twa hartis of Gold, deliuerit, as ſaid is, at New Zeris Mess, &c., ... xxiij li.

Item, to Johnne Moſman, goldſmyth, for certane tabillatis, chenzies of gold, and ryngis and ſtanys, reſſauit þe tyme foreſaid, ... lxiij li. x ſ.

Item, to him for þe making of the Grete Basing of Gold, weyand x pund wecht ane vnce and ½ ane vnce;[6] and making of ane Schip, twa braſillatis, and making and tranſlating of diuerſe chenzeis and ringis of þe Kingis gracis, and eking[7] of gold of his awin, . . . lxxiiij li. x ſ.

Item, for ane grete caise of leddyr to þe Grete Baſing of gold, lynit with ſallow, xxxvj ſ.

Item, for x elnis of blak Rubanis,[8] to hyng tabellatis gevin in New Zeris Mess be þe Kingis grace, ... x ſ.

Jan. , 1538-9.—*Item*, deliuerit to ane Inglifmanne þat come fra þe Bordouris with Writingis twiching the Ballatt maid of the King of England, ... iij li.

Feb. .—*Item*, deliuerit to twa Inglismenne þat brocht Writingis to þe Kingis grace, þe tane fra the Counsale of York, and þe toþer fra Schir William Everis; þe tane x li., and þe vþir iiij li., *ſumma*, ... xiii li.

[1] Purchased. [2] The Artillery and fortifications. [3] The Queen's Nurse, who came along with her suite from France. The attentions paid to Foster-mothers and their families in those days are well known. [4] It is written colourderoy. [5] In September preceding he is styled 'Lord James, now Priour of Sanctandrois.' [6] On enquiring of His Majesty's Goldsmith, what the cost of such a piece of plate of the plainest workmanship would now be, the Editor was informed that the lowest charge would, at the present price of Gold, amount to L.788, 10s. [7] *Eiking*, adding. [8] Black ribbons.

Marche.—*Item*, to Helene Roſs, **to cover ane Mating Buke** (Matin or Prayer Book) to þe QUENIS grace, iij quarteris ½ quarter of Purpure welvot, and to be ane polk[1] to þe ſamin, price of þe elne, iij li. x s., *ſumma*, ... iij li. xv d.

Item, for ½ elne half quarter of Reid dammeſe (damask) to lyne þe ſaidis polk and covering with, ... xxij s. vj d.

Item, to Dauid Chepman, for **Pynding and laying about the ſaid buke with Gold**, x s.

Item, gevin to Helene Roſs, for viij ſingill bankis of gold, **to bordour the ſaid buke** and polk, and be knoppis þairto, and for ſilk to ſtring þe ſaid polk with, and werkmanſchip of all,[2] ij li. x s.

Mar. .—*Item*, deliuerit to Johnne Paterſone, for þe making of **ane raiſe to the Kingis grace Sweird of Honour**, at Johnne Tennandis command, ... iij li.

Mar. 1.—*Item*, deliuerit to Archibald Heriot, meſſinger, to paſs and ſerche þair gudis **quhilkis war Abiurit and declarit Heretikis**, in Edinburcht and Striueling, ... xvj s.

Mar. 3.—*Item*, DRESSES to **the Erle of Lebenax twa sisters**, in Linlithgow, of 'blak welvot, blak ſating, twa Franche Hattis, twa Govnys of Freiſe, and twa Kirtillis of Sating bordourit with welvot, twa collaris of welvot perlattis, twa babuttis, and twa litill colleris,' amounting to xv l. xiiij s.

Mar. 9.—*Item*, to MUNSURE LASSENȜE, þe Franche man, þe ix day of Marche, **quhilk come first in Scotland altir Iule fra the Kinge of Franche**, in ane purſe knoppit with gold, iiij^{c} li.

Item, gevin to MUNSURE DE MORANVELAY, **Maister Houshald to the Duke of Gweise**, in ane vþir ſiklike purſe, ... iij^{c} li.

Item, for þe twa purciſe, ... viij s.

Item, gevin to **the Persevant** þat come furth of FRANCE, callit **De la Plume**, xl li.

Mar. 25, 1539.—*Item*, **to be Schone**[3] to þe KINGIS grace, v quarteris of Quhite welvot, price of þe elne iij li., *ſumma*, ... iij li. xv s.

Item, v quarteris blak welvot to be ſchone to his grace, price of þe elne lij s., *ſumma*, iij li. v s.

Item, to be **drying curchissis**[4] **to the Kingis grace hed**, ix quarteris of Holand claithe, xiij s. vj d.

Item, ſend to Linlithgow be Katheryne Bellendene to þe QUENIS grace, **twa pound of sewing Gold**,[5] price þairof, ... xxiiij li.

Item, ane pound of **sewing silver**, ... xiiij li. vj s.

Item, ix vnce of **blak Paryse silk**, ... liij s.

Item, xvj **lang bobennis**, price of þe pece v s. iiij d., *ſumma*, . iiij l. v s. iiij d.

Item, xvj **schort bobenis**, ladit at vj s. viij d., *ſumma*, . . v l. vj s. viij d.

Item, iij boltis of **Paryse rubanis**,[6] ilkane contenand xiiij elnis ½ elne, price of þe elne viij d. for ſark collaris and handis, *ſumma*, ... xxix s.

Item, xvj elnis of **quhite small rubennys** for Govnis, price þairof, . viij s.

Mar. 27.—*Item*, to **the Inglise Herold** þat come with **Writingis fra the King of England**, ... x li.

Item, to **Mvsgra, Persevant**, quhilk come in with þe ſaid INGLISE HEROLD þat ſamin tyme, ... vj li.

Item, ſend to Striueling, agane Paſche, vij elnis ½ elne of lycht blew Purpure welvot, to be ane Gowne to **Jane, the Frenche Droche**,[7] price of þe elne lv s., *ſumma*, . xx li. xij s. vj d.

Item, for ane elne iij quarteris of blew taffiteis of cord, to lyne þe ſaid gounе with, xxxj s. vj d.

[1] *Poke*, bag. [2] There are various entries of the same kind for the King and Queen's books. [3] Shoes. [4] Curches, caps. There are also many entries for towels 'to rub the Kingis hede,' and 'to dry the Kingis hede.' It appears that JAMES V. regularly bathed his head; and that he used all manly sports and exercises to brace his frame. [5] The Editor has only thought it necessary to give a few instances of THE QUEEN'S taste for Embroidery. The quantities of gold and silver thread, silk, &c. sent her, often monthly, amply prove her great industry, and the numerous works of embroidery and tapestry which she and her Ladies of honour must have executed. [6] Ribbons. [7] A French FEMALE DWARF. There was also a MALE DWARF, called 'JOHNE YE DORCHE,' or 'DROICHE.'

Item, for fustaine to lyne þe slevis and body of hir Goune, price þairof, . iij s. ix d.

Item, for ane elne of grene to lyne hir Kirtill, and blak grey to stuff þe plyise of hir goune with, ... x s.

Mar. 31.—*Item*, deliuerit to Johnne Zoung, Brovdstar,[1] iij elnis ½ elne of CRAMMACY SATING, to **the stand**[2] **of Clayth of Gold wirkand to the Kingis Chapell**, price of þe elne iij l. x s., *summa*, ... xij l. v s.

DRESSES were given to **Lord James of Kelso, Lord James of Sanctandroise**, and **Lady Jane** 'þe KINGIS GRACE SONNIS AND DOCHTER.' The dresses for 'my Lordis' consist of 'Gownis of gray Sating of Venyse,' 'Coitis with slevis of Purpure Welvot,' 'waltit with gray welvot,' 'Hoise of Rissillis blak lynit with blew,' having 'blak Taffiteis to draw þame with,' twa welvot Bonnetis with Pasmentis of silk, and ane Marrabas Bonett, 'Beltis and gartanis of taffiteis,' 'blak welvot schone.' There was only charged the 'walting' for a 'Nycht-goune' of **Lady Jane** of 'blak taffiteis and welvot,' and 'lyning of þe samin goune with cotonaris, and þe foir breistis with mertrik sabill.' The amount was . . . . . lxxxxvj l. xv s. viij d.

Apr. .—*Item*, wrocht be Katheryne Bellendene, to **the Kingis Durnall**, of variant colorit welvot, xiiij knoppis and stringis effering þairto, quhilk tuke x vnce of sewing silk, price of þe unce vj s. . . . . iij li.

Item, to Duncane Cvnynghame, for furnysing of **stringis of Bowis** to þe KINGIS grace, viij li.

May .—*Item*, for vj quarteris of grene velvot, to be ane cover to **ane grete Mating Buke** of þe KINGIS grace, clespit with gold, quhilk he gat fra MY LORD SECRETARE, and to be ane polk[3] till keip þe samin in, price of þe elne iij li. v s., *summa*, ... iiij li. xvij s. vj d.

Item, for iij quarteris of Reid dammese, to lyne þe said polk and þe breddis[4] of þe Buke, price þairof, ... xxvij s.

Item, for twa dowbill hankis of sewing gold, to be knoppis to þe said polk, and bordour þe mouthe of it, price of the hank xx s., *summa*, ... xl s.

Item, to Helene Rois, for making of þe knoppis and stringis to þe said polk, and making of þe polk and covering þairto, ... x s.

Item, for **twa Writing Bukis of parchement**, bought to his grace in Falkland, viij s.

THE KINGIS **personal expenses** this month, for '**Kingis**, goldin werk, dyamontis, chalfferonis and chenzeis of gold, small chenzeis and tabillatis, **to gif away amang the Gentill wemene**,' amount to, ... iiij^{c}xi li. xix s. iij d.

Item, to Thomas Arthuris seruand, till haue to Sanctandrois, xiij elnis ½ elne of Reid crammessy welvot, to be **ane Goune to Gresmore till**[5] **hir Mariage**, price of þe elne viij li., *summa*, I^{c}viij li.

Item, the other furnishings for her '**Kirtill** of quhite welvot,' and 'Gownis and Kirtillis to **the Erle of Lebenax twa sisteris**,' amount to . . . . . ij^{c}xj li. xvij s.

Item, deliuerit to twa pure wemene, for ij ky, **the tyme that the Manne was Byrnt for Heresy in Cuper**, price of þe ane xl s., and þe vþer kow l s., *summa*, . . iiij li. x s.

Jun. .—*Item*, to þe FALCONERIS, for **hame-bringing of Walkis furthe of Cathness**, at þe KINGIS command, ... x li.

Jul. 7.—'THE Expensis debursit vpoune þe **Suffrage of Queene Magdalene**, quhame God assoilzé:'

Item, deliuerit to the Payntour, for **vj dosane of Armes** to put about þe QUEIR, and vpoune TORCHIS and CANDILLIS, price of ilk dosane xx s., *summa*, ... vj li.

Item, to þe ERLE OF MURRAY till offer **the Powpenny** . . . xx s.

Item, to þe TAPISCHERE, to by nalis **to hyng vp the Welvot and blak claithe**; and pynouris taking vp and doune þe samin, ... vj s.

[1] Embroiderer. [2] Suit or set. [3] *Poke*, bag. [4] Boards. [5] Preparatory to.

Item, to ꝑe COLLEGIS and **Chapellanis that sang Derige and Saule-Mess**, extending to ij^c^x Chapellanis, ilkane havand ij ſ., *ſumma*, ... xxj ℔.

Item, to **the Belman**, ... iij ſ.

Jul. .—' THE Expenſis deburſit be JOHNNE BERTANE vpoune ꝑe KINGIS **Schip callit the Salamander**, fra hamecuming of ꝑe QUENYS grace ꝑat now is, to ꝑe feiſt of Witſonday laſt,' amount to . . . . . I^c^lv ℔. xj ſ. x d.

Aug.—' THE expenſis deburſit vpoune **the litill new Bark**' conſiſt of charges for making the ' ſanikynnis, Anſenzeis, ſtramaris, and banaris ;' painting the ' Armys and facis about ꝑe ſaid bark, colouring of ꝑame with gold and aſure, and painting of hir maſtis, ſalis, and airis, with oley colouris :' Making of ꝑe KING and QUENYS ' **Chalmeris**;' ' carving of ꝑe carvit werk ;' and ' vittalling of **the Unicorne** and furniſing of hir, ꝑe tyme ſcho paſt furth **to ſeik the Pyrottis**.' The amount is, ... ij^c^xxij ℔. viiij ſ. xj d.

Item, for iij quarteris of ane vnce ſiluer eikit[1] to **ane ſiluer Stolp**[2] **for inbringing of the Kingis Collatioune**, quhilk weyit ix^xx^ xv vnce iij quarteris,[3] deliuerit in Striueling ꝑe vj day of Aprile, ... xj ſ. vj d.

Item, for werkmanſchip of ilk vnce of ꝑe ſaid ſtolp, ij ſ. . . xix ℔. xj ſ. vj d.

Item, for **ane ſiluer Quhiſſill** with ane lang cheuze, quhilk wes gevin at ꝑe KINGIS command to **the Patroune of the Schippis**, weyand xj vncis iij quarteris of ane vnce, . ix ℔. ij d.

Item, for ꝑe faſſoune of ꝑe ſamyne, ... iij ℔.

Sep.—*Item*, to vj FALCONARIS ꝑat brocht ꝑe **Walkis furth of Cathness** to ꝑe KINGIS grace, xxiiij elnes of Colourderoy to be ꝑame Coitis,[4] price of ꝑe elne xvj ſ. . . xix ℔. iiij ſ.

Sep. 21.—*In the firſt*, ſend to **Madame Gresmor** to mak paſmentis, at ꝑe KINGIS command, **iij pund werht of sewing gold**, price of ꝑe pund xij ℔., *ſumma*, . . xxxvj ℔.

Item, to **the Lady Lochlevin**[5] in contentatioune of ane Penſioun awing to hir zerelie, be ane Precept, ... vj^c^lxvj ℔. xiiij ſ. iiij d.

THE KING and QUEEN paſſed from ' Striueling to **Glenarknay**' ' **to the Hunting of Glenfynlawis**.'

Oct. 5.—*Item*, gevin to Johnne Moſman for **making of the Quenis Crowne**, and furneſing of ſtanis ꝑairto, quhilk weyit xxxv vnce of Gold of Mynde,[6] . . . xlv ℔.

Oct. 6.—*Item*, to OLIPHER SINCLARE at ꝑe Kingis command to **the Warkis at Tantalloune**,[7] . . . . . lxvj ℔. xiij ſ. iiij d.

Oct. 9.—*Item*, to pay ane FRENCHEMAN, quhilk was **hurt with the schot of ane gwne in the Fyrth**, and mvtilat of his finger, in Aſſithment, ... xxij ℔.

Item, to Williame Schaw, in part of payment of I^m^j^c^lxxiij ℔. xiiij ſ., reſtaud awand to him for **the new Tapesscherye brocht last furth of Flanderis**, . . . lxxiij ℔. xiiij ſ.

Item, gevin to ane boy ꝑat come fra LUNDOUNE, fra **the Duche Mynowris**,[8] in drinkſilner, ... xxij ſ.

Nov.—*Item*, gevin to HECTOR M^c^INTOSCHE, to mak his expenſis **quhen he brocht Dauid Rattray furth of Colmkyll**, ... iij ℔. viij ſ.

Item, ' ꝑe Expenſis deburſit vpoun ꝑe Mumitionis and Craftesmen wirkand ꝑairon, within ꝑe CASTELL of ED^R^,' from Nov. 17, 1538, to Sep. 17, 1539, amount to I^m^iiij^c^lxxxiiij ℔. xj ſ. viij d.

[1] Added, for repairing. [2] *Stowp* or flagon. [3] The modern cost of the plainest silver-plate of this weight would amount to L.102, 6s. [4] The prices of making and furnishings, &c. are elsewhere charged. [5] One of the King's Mistresses. She was Margaret, daughter of John, *twelfth* Lord Erskine, and wife of Sir Robert Douglas of Lochleven, and bore to the King, JAMES EARL OF MURRAY, afterwards REGENT OF SCOTLAND. [6] Gold from the Royal Mine, furnished for this and other similar purposes. There are many payments to ' FRANCHE MYNOURIS'—and Flemish and German miners were also employed in considerable numbers, at and previous to this date, in the Mines at Craufurd-Mure. There are instances of charges for interpreters ' to pass with thame, quhill thai lerne the langage.' [7] Many other payments were made for the same purpose. [8] Some of the numerous Dutchmen and other foreigners who were employed in the Royal Gold and Silver Mines at Craufurd-Mure.

APPENDIX.

Dec. 12.—*Item*, to **Johune Leslie**, sone to þe ERLE OF ROTHES, to by him clathis with, at þe KINGIS command,[1] . . . . . xiij li. vj s. viij d.

Dec. 20.—*Item*, to Thomas Melvillis Wiffe, in Falkland, at þe KINGIS command, **for keping of certane Pettis**,[2] and nurising of þe samyn, vij elnis syne Frenche blak to be hir ane gowne and ane kirtyll, price of þe elne xxxiij s., *summa*, ... xj li. xviij s.

Item, to walt þe samin, and to begary þe breist of hir gowne, vj quarteris blak veluet, *summa*, ... iij li. xviij s.

Dec. 31.—*Item*, gevin to Thomas Rynde, goldsmyth, for goldin wark tane fra[3] him be þe KINGIS grace to geve in **New-ȝeris Giftis**, þe pennult and last dayis of December, in chenȝeis, tabullattis, ringis, stanis, earkannis, schafferonis, and vþer goldin wark; delinerit to þe KINGIS grace in Linlythqw, ... ijclxxxij li. iij s.

Item, for **golden werk sauld be him to the Quenis** grace, . jcxlix li. xij s.

Item, gevin to Johune Mosmane, goldsmythe, for sielyk deliuerit be him to þe KINGIS grace, ... ijcv li. xiiij s.

Item, for sielyke geir to þe QUENIS grace, ... lxxxxvj li. vs.

SUMMA **of the King and Quen's personal expences**, for dress, goldsmith-work, &c. this month, ... viijmvjcl li. viij d.

Jan. 3, 1539-40.—*Item*, deliuerit to Thomas Arthure (Master Tailor) to be iij **Play Cotis agane**[4] **Vphalyday**, vij elnis half elne REID, and vij elnis half elne ȝALLOW, Taffitese of cord, price of þe elne xviij s., *summa*, ... xiij li. x s.

Item, deliuerit to him **to be ane syde**[5] **Cape to ane of the Playaris**, vj elnis PURPUR Taffitese of cord, and ane elne of REID Taffitese to be **ane Wyde**, price of þe elne xviij s., *summa*, ... vj li. vj s.

Item, deliuerit to him **to draw the Talis of the saidis Play Cotis**, twa elnis REID and ȝALLOW Taffitese of twa threid, price of þe elne ix s., *summa*, ... xviij s.

Item, gevin for xv elnis bukrem to lyne þe saidis Play Cotis withe, price of þe elne, ij s. *summa*, ... xxx s.

Item, delinerit to Thomas Arthure for making of þe saidis Play Cotis and Cape, . xx s.

Jan. 6.—*Item*, gevin to Johune Mosmane for þe making of **ane Belt of Gold of the Mynde to the Quenis grace**,[6] weyand xix vnces half vnce, ... xv li.

Item, for **ane Sapher** to þe said Belt, ... v li.

THE QUEEN'S CORONATION.

Jan. 7.—*Item*, gevin to þe Secristane of þe KINGIS Chapell for **cariage of the Chapell gair** fra Strineling to Linlythqw at ȝwle, and fra Linlythqw to Edinburghe at **the Quenis Coronatioune**,[7] as his byll of compt beris, ... v li. vj s. viij d.

Jan. 15.—*Item*, for **making and fassoun of the Kingis Crowne**, weyand iij pund weght x vnces, and þairof Gold of þe Mynde xlj vnce quarter vnce, ... xxx li.

Item, for xxiiij stanis þairto, of þe quhilkis þair was iij **grete Garnettis** and **ane grete Ammerot**,[8] price of þe iij, vj li.; and price of þe pece of þe vþir xix stanis, xiiij s., *summa*, xix li. vj s.

'THIS **Crowne deliuerit to the King in the Palice of Halyrudehous**, þe viij day of Februar following.'

[1] This individual gets numerous presents at different times. He was the fourth son of George, *third* Earl of Rothes; and was taken prisoner by the English, and ransomed from Henry VIII, Jul. 1, 1543, on payment of 200 marks sterling. The celebrated *Norman Lesley*, Master of Rothes, was his brother by a former marriage.
[2] These PETS consisted of Parroquets, monkeys, peacocks, swans, &c. &c. [3] Purchased. [4] Against.
[5] Long. [6] These charges are merely for the workmanship, the Gold having been provided from the Royal Mine. [7] There are also numerous entries for carriage of 'Geir of the Wardrop, Tapeschery, &c. fra Linlythqw to Edinburghe,' on occasion of THE CORONATION. [8] Emerald.

Item, gevin to him for **ane Ring, ane Turques**, deliuerit to þe KINGIS grace, þe xxiij day of Januar, ... iiij li.

Jan. 21.—*Item*, deliuerit to Thomas Arthure to be þe KINGIS graces **Rob-Ryall, Kirtill**, and **Pwde**, xxxviij elnis Purpur Veluet, ... Ic xxiij li. x s.

Item, for xxvj dofan **spottit Arming** (Ermine) to lyne þe Kirtill with, price of þe dofane xl s., *summa*, ... lij li.

Item, for xiiij dofan of þe faid **Arming** to complete **the Raip and Pwde** with, . xxviij li.

Item, deliuerit to **the Quenis** graces Talȝour ane fteke[1] of Purpur Veluet, contenand xxij elnis half elne, **to be hir Rob-Ryall**, price of þe elne iij li. x s. . . lxxviij li. xv s.

Item, x elnis quhyte Taffitefe of cord to lyne it with, price of þe elne xx s., *summa*, . x li.

Jan. 22.—*Item*, gevin to Williame Purvefe for dog-chenȝeis, rache-cuppelis, and **mending of the Knok**,[2] . . . . . vij li. xiiij s.

Item, to Johune Dowglafs of Authornedene,[3] for certane **Treis** tane fra him **to the Kingis Schippis** furth of his Wod, ... xx li.

Jan. 25.—*Item*, gevin to ORMONDE, Purfevant, and Alex. Hutoune, Meffinger, for paffing with clofe **Writtingis to the Lordis and Ladyis to cum to the Quenis Coronatioune**, þe xxv day of Januar, ... iiij li. viij s.

Item, to William Hardy, meffinger, for paffing with ficlyke Lettres to **the Erle of Huntlie and his Lady, the Erle Marschell and his Lady**, in þe NORTHLAND, . . xxij s.

Item, gevin to twa Officiaris of Armes þat paffit in ANGUSE, þe WESTLAND, NORTHLAND, and vþer pairtis, **to warne the Dammes to cum to the Coronatioune**, . . iij li. vj s.

Item, to þe JUSTICE CLERK and THESAURER CLERK for þair expenfis paffing to þe BORDOUR at **the Meting of the Commissionaris of Ingland**, being furth x dayis, ilk day xl s., *summa*, ... xx li.

Jan. 31.—*Item*, to Thomas Arthure to be iij **Jornayis** and iij **Comparisonis to the Kingis** grace, xx elnis blak Armofing Taffitefe, price of þe elne xxxvj s., *summa*, . . xxxvj li.

Item, for twa pund wecht twa vnces quarter vnce black fewing filk to be **knoppis and fassis**[4] to þe faidis Comparifonis, price of þe vnce v s. . . . . viij li. xj s. iiij d.

Item, for xxvij elnis half elne blak Brodery Veluet to þe **Jornayis**,[5] price of þe elne x s., *summa*, ... xiij li. xv s.

Feb. 7.—*Item*, to couer iiij **Steill-sadillis** to þe KINGIS grace, . iiij li. xvj s.

Feb. 14.—*Item*, gevin to **Lord Maywall**, for beting and mending of þe (**Castle of**) **Heremytage**, at þe KINGIS command, ... Ic li.

Item, to him for **ane hors of the Lord Carlilis**, brocht to þe KINGIS grace, xxvj li. xiiij s. iiij d.

Item, gevin to **Rothissay, Herald, for bankating of the Inglisman**, at Ȝule, þat brocht þe hors to þe KINGIS grace, ... v li. x s.

Item, gevin to Johune Mofman, to pay for **ane pece of bnworcht Gold of the Mynde**,[6] **quhilk was send to the Duke of Guyse**, in France, . . . xliiij s.

Feb. 21.—*Item*, gevin to **Normond Lesley**, at þe KINGIS command, . xx li.

Feb. 26.—*Item*, gevin to Williame Schaw, in complete payment of 2466 Crownis of þe fone xvij s., for **Tapeschery brocht hame be him to the Kingis grace**, as his Compt and Precept direct þairupoune beris, ane thoufand Crownis of wecht, *summa*, . . . Imjc li.

[1] A web or piece. [2] Clock. [3] Hawthornden. This property did not pass out of the Family of Douglas until long after this period. [4] Knobs and tassels. [5] There are numerous other furnishings of 'lyningis, pointis, frenzeis of silk,' &c. The dresses to THE LADY JANE, (the King's natural daughter,) and all the numerous dependers of the Court, were very splendid and costly. The whole expenditure of this year fills a large Volume. [6] Numerous instances may be found in these extracts of large pieces of solid GOLDEN ORE being sent as presents, or else purchased for satisfying THE KING'S own curiosity.

Item, gevin to James Beffat for paffing with ane Writting to Dunbar, to caus prouifioune be maid to resauc Rauff Sadillar, Inglisman, ... x ß.

Feb. 27.—*Item*, deliuerit to Robert Gib, to kepe þe Jornais, Comparisonis, and harnessingis, ane grete coffer, price, ... iij li. vj ß.

Mar. 16.—*Item*, gevin to Johnne Mofman for þe mackin and faffoune of ane pair of Bedis to þe Kingis grace, weyand xvij vnces gold of his graces awin gold, deliuerit of before to þe faid Johnne, in Ridaris, Angel-nobillis, and Roif-nobillis, ... xv li.

Mar. 22.—*Item*, gevin to Johnne Zoung, Brodiftar, for ftuff and Broudering of lxiiij pece of Crownis, Names ('Jacobus Quintus,'[1]) and Thrissillis, fet vpoun twa Tynnakillis of Tanny Velvet, quhilk wes þe lynyng of ane Gowne of Clathe of Gold of þe Kingis, price of þe pece x ß., *fumma*, ... xxxij li.

Item, for vj elnis bukrem to lyne þe faidis Tynnakillis with, price of þe elne ij ß. viij d., *fumma*, ... xvj ß.

Item, for xxvj elnis of Rubennis[2] to þame, price of þe elne viij d.,[3] *fumma*, . xvij ß. iiij d.

Item, for broudering of ane Vestment of Tanny Velvet with xiiij Names, Crownis, and Trissillis, ... vij li.

Item, for cammes to ftuff þe orpheis[4] of þe famin,[5] . . . . . v ß. iiij d.

Item, for ftuff and broderíng[6] of iiij Armes to þe faidis Tynnykillis and Veftment,[7] . vj li.

Item, for brodering of ane Comparissoune of his graces, with billis of filuer rynnand aboute it, ... x li.

Mar. 24.—*Item*, for þe faffoun of lxvij vnces ekit to the Kingis grace Chenze, of þe quhilk þair wes xvij vnces of gold of þe Mynde; and ane chenze quhilk wes bocht for ane hundreth x li., chargeit in Junij following, be ane Precept, and for þe faffoune of ilk vnce v ß.,[8] *fumma*, xvj li. xv ß.

This Chenze deliuerit in Striueling to þe Kingis grace þe laft day of Marche.[9]

Item, gevin to Maister Robert Forman to by him ane Coit-Armour, at his Creatioune Perfewant, at þe Kingis command, ... x li.

Item, gevin to þe Chaiflanis of þe Kingis Chappell, being in Edinburcht at the Quenis Coronatioune, fra þe xiiij day of Februar inclufive to þe xij day of þis inftant monethe, to þe nomber of xj perfonis, ilkane havand one þe day ij ß., *fumma*, . . xxx li. xvj ß.

Item, gevin to Dummy Carpitane[10] to by him clathis, at þe Kingis command, . vj li.

Item, to my Lord Secritar, to geve ane Duche man þat come fra the Palsgraif and his Countes with ane Writing to þe Kingis grace, ... xliiij li.

Item, to Arthur Sinclar for þe reft of his Comptis for the Duche hors bracht furth of Denmark,[11] at þe Kingis command, ... xliij li. xix ß. iiij d.

Apr. 10, 1540.—*Item*, gevin to Maifter Andro Kirkaldy, for expenfis deburfit be him vponne Officeris fend with Writtingis to warne the Ladyis to cume to the Quenis Coronatioune, and for þe cariage of ane coffer of þe Kingis grace fra Linlythqw to Ed^r, . . . iij li. x ß.

Apr. 16.—*Item*, deliuerit to þe Frenche Telzour, to be ane Cote to Serrat the Quenis

[1] See a curious instance of a similar entry, Mar. 26, 1541, of this Appendix. [2] Ribbons. [3] There are also charges for 'xvj elnis frenzeis,' iiij sets of 'knoppis,' 'fassis,' and 'stringis of silk.' [4] This is evidently O. Fr. *orfevrerie*, gold embroidery, which is often written *orfraye* and *orphray* in ancient writings. [5] Charges for 'bukrem,' 'rubennis,' &c. [6] Embroidering. [7] There are other furnishings too numerous to be detailed. [8] Made by Johnne Mosman. [9] There were likewise furnished other chenzeis, bracelatis, &c. to a considerable amount, also made of the King's awin gold. [10] Probably a dumb favourite at Court. [11] King James V, like the other Princes of the Stuart family, was passionately fond of fine Horses, and had a most extensive variety of all kinds. He sent messengers to Spain, Denmark, France, England, and Flanders, &c. for the purchase of stallions and brood-mares; and besides this, received from foreign Princes, and from his own and the English nobility, numerous presents. Besides the Grooms and under-stablers, there often appear in these Accounts payments to above twenty 'children in the Stabill,' (Stable-boys, &c.) for liveries and wages. There are no *data* to ascertain the extent of the Royal Stud, but the number of servants employed may lead to a pretty accurate conjecture.

Fiule,[1] vj quarteris DEME-GRANE, and vj quarteris FRENCHE ȝALLOW, price of þe elne of demme-grane xiiij š., and price of þe elne of ȝallow xx š., *summa*, ... iij ł. vj š.

Item, to be hir aue Kirtill and aue Qwde, vj elnis grene Birge Sating, price of þe elne x š., *summa*, ... iij ł.

May 10.—*Item*, deliuerit to Katheryne Bellendene,[2] till complet aue Sark to þe KINGIS grace, sewit with gold and siluer wark, half aue dowbill hank of sewing gold, price pairof, xij š.

BIRTH AND BAPTISM OF JAMES, PRINCE AND STEWARD OF SCOTLAND.

May 11.—*Item*, gevin to James Bissatt, messinger, for passing with certane close Writtingis to warne certane Lordis and Ladyis to be in SANCTANDROIS at the Birthe of my Lord Prince, xx š.

May 14.—*Item*, gevin to George Steill, for þe fraucht of ane Bot to SANCTANDROIS, at Wit-sounday, with Tapescherie and Claithe of gold, and certane vþeris small expensis debursit be him for cariage of þe Tapescherye at sindry tymes; as his compt gevin pairupoune beris, iiij ł. xiij š. iiij d.

Item, gevin to Thomas Tulloche, for cariage of certane of the Wardrop gair, (geir,) debursit be him, ... xxiij š.

Item, gevin to him for ane horse-cariage with certane geir at the Birth of my Lord Prince, ... x š.

Item, gevin to þe TAPESAR, for dichting and grathing of þe Tapeschery, and making of ane Paill[3] aboue the Princes Bed of State, and for certane vþeris thingis, . xj ł. x š.

Item, to Andro Mansioune, Frenche man, for making of my Lord Prince Cradyll, and stuff furnesit be him pairto, ... xlij ł.

Item, gevin to Balsar Howstar, Ducheman, and Richart Wardlaw, to pass to Campbell, to serche the Metallis and ore of siluer,[4] . . . . . xij ł. iiij š.

Item, to Johune Patersoune, for making of ane case to the Kingis Boy of siluer, xl š.

May 21.—*Item*, deliuerit to Thomas Arthure, to be ane Cote and ane pair of Brekis to þe KINGIS grace for the See (sea), x elnis Reid crammessye veluet, price of þe elne vij ł., *summa*, lxx ł.

Item, for v vnces Pasmentis of gold to it, ... viij ł. xv š.

Item, for pointtis to þe Cote and brekis, and ane tulat to þe Cote,[5] . . iij š.

Item, send to Sanctandrois with Johune Beg, xv elnis quhyte taffitese of Janis, to be Seruiettis to hald the Torchis at the Baptyme of my Lord Prince, . . . vj ł.

Item, gevin to Johune Patersoune, for ane Caise to the Quenis Scepture (SCEPTRE), xiiij š.

May 22.—*Item*, gevin to ane man to pass with close Writtingis furth of SANCTANDROIS þe xxij day of May, to the Erle Marschell and the Erle Huntlie,[6] . . xxiiij š.

Item, þe samyn day, gevin to James Bissatt to pass with Letteris, and denunce in all partis in LOTHIANE and þe MERSE, the Birth of my Lord Prince, ... xxij š.

Item, to Alexander Hutoune, &c. to all partis of þe Westland and Southland, to warne the Lordis and Barronis to cum to the Baptyme of my Lord Prince, . . . iij ł.

May 25.—*Item*, gevin to George Elphinstoune to pass to þe KING OF INGLAND with þe aduertisment of the birth of my Lord Prince, ... xl ł.

Item, gevin to Schir Thomas Cragy, Chaiplane, for Painting of the Armes, furnesing of cammese and vþer stuff pairto, at the Baptyme of my Lord Prince, . xij ł. vj š. viij d.

Item, to Johune Patersoune, for making of iij kasis to the Kingis Siluer wark put in þe Schippis, ... xlij š.

Jun. 1.—*Item*, gevin for ane Chenze, deliuerit to Johune Mosman to melt with vþer Gold to be the Kingis grete Chenze, ... lx ł.

[1] See Jul. and Aug. 1538. [2] There are numerous previous entries of gold and silver thread to sew and embroider the King's 'SARKIS' throughout the whole Accounts. [3] Pavilion. [4] Silver ore. [5] There are many other similar outlays. [6] This appears to have been THE PRINCE's Birth-day.

THE KING'S EXPEDITION TO THE ISLES.

Jun. 3.—*Item*, to þe TAPESAR, to hing **the Kingis Chalmer in the Schip**, xvij elnis half elne French grene, ... xv li. xv s.

Item, to couer **ane stwle of cise** of þe KINGIS graces, **for the Schip**, ij elnis half elne tanny Veluet, ... vj li. xvij s. vj d.

Jun. 4.—*Item*, to be curtingis and ane couer to þe KINGIS **Bed in the Schip**, xxv elnis iij quarteris blak dames, ... xliij li. xv s. vj d.

Item, **to he Stremaris to the Kingis Schippis**, ix score elnis reid and 3allow fey; and till complete þe famin, xv elnis ferge, ... xliiij li. v s.

Item, to William Smeberd, **to lyne** þe KINGIS grace **Gorjettis and Glbuis of Plate**, half ane elne blak Veluet,[1] . . . . . xxvij s. vj d.

Jun. 4.—*Item*, to Ra, Perfewant, Inglifmane, quhilk brocht Writtingis fra þe **Capitane of Berwyk**, ... iij li. vj s.

Jun. 6.—*Item*, to þe INGLISMAN quhilk came fra **the Admarall of Ingland** with Writtingis, ... x li.

Item, to þe man **that came fra Oneyll with ane Hors** to þe KINGIS grace, . xj li.

Item, deliuerit to Malcolme Gourlaw to þe Reinold Lethome, **Page, that passit in France with the Erle of Murray**, to be him ane Cote with flevis, vij elnis blak Veluet,[2] . xix li.

Item, at þe KINGIS command, xx Crownis of þe fone, . . . xxij li.

Item, to Williame Stratherne, meffinger, to pafs to DUNBERTANE, IRWING, and AIR, with Letteris to charge þame **to send Botis and Schippis with Victualis** to meit þe KINGIS grace in **the Ilis** þe vj day of Julij nixt to cum; and to remane in Dunbertane and þe Levinax for inbring of þe reft of þe Air,[3] . . . . . iij li. vj s.

Jun. 7.—*Item*, gevin to Maifter Andro Quhytelaw, for fraucht of ane Bote furth of Leithe to Levynnis mouthe with þe **Siluer wark**, and for cariage þairof to SANCTANDROIS, **at the Baptyme of my Lord Prince**, ... iiij li.

Jun. 8.—*Item*, fend to SANCTANDROIS, to be **ane Couer to my Lord Princes Creddill**, iij elnis half elne crammeffy veluet, ... xxiiij li. x s.

Item, to be ane vper **Couer** þairto, vij elnes reid veluet of grane,[4] . xxij li. xv s.

Jun. 10.—*Item*, to be **Ansenzeis**[5] **to the Schippis**, xvj elnis reid and 3allow taffitefe of cord, ... xiiij li. viij s.

Item, to be þe **Croces** þairof, iiij ½ elnes quhyte taffitefe of Janis, . iij li. vij s. vj d.

Item, to be ane **Couer and Curtingis to the Kingis bed** in þe NETHER CHALMER in þe SCHIP, xvij ½ elnes Grene dames, ... xxxiij li. v s.

Item, to be **Frenzeis** þairto, ane pund and half pund wecht Grene filk, extending to xxiiij vnces, ... vj li.

Jun. 12.—*Item*, for þe making of vj **Staudartis**, quhilkis wes deliuerit to Johnne Bertone to þe Schippis, ... xl s.

Item, gevin to him for þe making of iij **Top-claithis** and iij **Flaggis**, . xl s.

Item, for **Arow-hedis**, deliuerit to Johnne Tenant, . . . xliiij s.

Item, to Schir Johnne Kylgour, for **Painting of twa stand of Harness** to þe Kingis grace, ... xxx s.

Item, to Mvredoch Striueling, Patefar,[6] to pay for þe **making of the Vnis** (*ovens*) in þe SCHIPPIS, ... vij li. iiij s. viij d.

[1] A variety of other similar entries for furnishing and repairing warlike dresses and arms. [2] The same person got doublet, cloke, hoise, beltis, and gartennis, with a blak velnat bonat, and 'Ane tergat to his bonat,' cost iij li. xvj s. [3] The residue or balance of the Escheats due to the Crown from the preceding Justice-aire of Dunbarton. [4] Fringes of red silk and blankets of white fustian also provided. [5] Ensigns; standards. [6] Pastry-cook.

Item, deliuerit to Johnne Mofman, for making of **twa gret Chandolaris, twa Cowpis** with coveris, and ane **spwne to my Lord Prince**, with ane morfare to þe KINGIS grace **Culverīng**, quhilk wes of filuer, deliuerit to him of before, þe iij, xxiiij, and xxvj dayis of May laft bipaft; þat is to fay, **ane filuer stop**, weyand xij pund wecht twa vnces; ane vþer **Stop**, weyand viij pund xij vnce; **ane Water Pot**, weyand xxvij vnces; **twa Peris with feit**, weyand lxij vnces, quhilk extendis to xxvj pund wecht and vij vnces; and to him for euerilk vnce wirking, iij ſ., *ſumma*, lxiij ti. ix ſ.

Item, for twa roddis to þe **Chandolaris**, ... v ſ.

Item, gevin to him for þe making of **ane Quhissill of gold** to þe Kingis grace, weyand iiij ½ vncis, 2 ½ Vnicornis wecht, deliuerit to his grace þe iiij day of Junij, . iiij ti. viij ſ.

Item, to William Myllar, for twa drauchtis of **Palzeonis**, and ane draucht of bedding, fra þe Abbay to Leithe, **to be put in the Schippis**, ... iiij ſ.

Item, gevin to Johnne Dikfoune, **Ross Herald**, for his expenſis **passing to the Empreſour**, in money and clething, ... lxxv ti.

Item, to (Schir) **Dauid Lindsay of the Mont** (LION KING OF ARMS) and Jonet Douglaſs,[1] be ane Precept, ... Vjclxvj ti. xiij ſ. iiij d.

Jun. 28.—*Item*, to **Rothissay Herald**, for his expenſis paſſing with Writtingis to **Schir Williame Everis**, be deliuerance of þe LORDIS, þe xxviij day of Junij, . . iiij ti. viij ſ.

Item, to Johnne Paterſoun, for paſſing with cloſe Writtingis fra þe QUENIS grace to (THE KING in) **the Ilis**, ... iiij ti.

Jun. 29.—*Item*, to þe Tapeſar, for þe draucht of ane Bote with **the Tapeschery** fra Sanctandrois to Leith, ... v ti. xij d.

Jul. 7.—*Item*, the expenſis deburſit vpoun **the Suffrage of Quene Magdalene**, quhome God affoloȝé; in þe firſt gevin to þe Belman þe vij day of Julij, . . . iij ſ.

Item, to ijcxv Chaplanis, ilkane ij ſ., *ſumma*, ... xxj ti. x ſ.

Item, gevin to **the Offering**, ... xxij ſ.

Item, to þe TAPESAR, for furneſing of nalis and **hinging of the Blak Claithe**, and pinoris feis, ... x ſ.

Item, for vj doſane of **Armes**, ilk doſane xx ſ., *ſumma*, . . . vj ti.

Jul. 10.—*Item*, to Johnne Paterſoun, **at his returnyng fra the Ilis**, in complete payment of his wageis, ... iij ti.

Jul. 18.—*Item*, deliuerit be Thomas Arthure to þe QUENIS grace, in Pitlethy, at þe KINGIS command, xj ¼ elnis Tanny taffiteſe of xij threid, ... xxv ti. vj ſ. iij d.

Item, **to be skalbartis** to þe KINGIS **Raperis**, v quarteris Blak veluet,[2] . iij ti. xv ſ.

Item, to mak **Frenzeis** to his grace **Sweord-handis**, iij vnces blak ſewing ſilk xv ſ., and Warkmanſchip iij ſ., ... xviij ſ.

Jul. 27.—*Item*, gevin to **the Lady Maistres** for expenſis deburſit be hir **for couering of my Lord Princis Cradill**, gilt nalis þairto, and vþeris expenſis,[3] . . . viij ti. xij ſ.

Jul. 30.—[4]*Item*, to Johune Moſman, goldſmyth, for þe **making of ane Quhissill of Gold of Mynde**, weyand iiij ½ vnces half Vnicorne wecht, with **ane Dragoune anamulit**, deliuerit to þe KINGIS grace þe penult day of Julij, ... iiij ti.

Jul. 31.—*Item*, to Andro Michelſoune **ane gowne of Parise blak**, . viij ti. xj ſ.

Item, 'ane Cote of Serge,' 'Bonat,' &c. '**This leueray wes gevin to him for bringing of tithingis to the Kingis grace of the Natiuite of my Lord Prince.**'

[1] His wife. [2] Such charges are very frequent in these Accounts. The scabbards are covered from time to time with such materials as might suit the King's fancy and the fashion of the day. [3] Numerous entries of furnishings to the King, Prince, Lady Jane, &c. [4] On this day ROTHISSAY HERALD was despatched to London. He got a Gown of 'Armosy blak Taffitese,' L.15, 6s.—a 'Doublat,' L.9, 15s.—for his expenses, 40 Crowns of the Sun, L.44.

APPENDIX.

Item, gevin to Robert Blak, maſer, for paſſing to DUNBAR, TAMPTALLOUNE, and þe BASS, to conboy the Yeland-men thair,[1] . . . . . xiiij ſ.

Item, gevin to him for paſſing with ane cloſe Writting to þe BASS to ane Yeland-man to send to Kintyre for James Canochis brother, ... x ſ.

Aug. 2.—*Item*, to Johnne Barbour to be Yalk-hudis to þe KINGIS Yalkis, iiij ſkynnis, xl ſ.

Aug. 6.—*Item*, to Johnne Paterſoune, Perſewant, for paſſing with Letteris with deligence to warne certane Barronis in Auguse and Mernis to cum to EDINBURGHE þe xv day of þis monethe,[2] . . . . . l ſ.

Aug. 12.—*Item*, to Yute, Perſewant, for paſſing with ane cloſe Writting to Allane Stewart in Lorne, ... iij li. vj ſ.

Aug. 13.—*Item*, gevin to Johnne Moſman for vj¼ vnces ſiluer to be ane Clam-ſchell to kepe þe KINGIS grace Yalk mete,[3] . . . . . iiij li. xviij ſ. xj d.

Item, for þe faſſoune and gilting of it, ... xl ſ.

Aug. 14.—*Item*, gevin to Johnne Teſart, Croce-bow-makar, for ſtringis and windess-cordis to þe KINGIS graces Croce-bowis, ... iiij li. x ſ.

Aug. 16.—*Item*, to Robert Blak, maſer, for ſummouyng of ane Assise to Schir James Wammyltoune; and for Wyne brocht in to the Lordis being vpoune his Inqueiſt, . xv ſ. x d.

Aug. 20.—*Item*, to ane Tanny Baver hat to þe KINGIS grace, . . . v ſ.

Item, for twa vnces half vnce ſiluer Pasmentis to ane Skyn cote, (Buff-Coat or Jerkin,) with ſyde taſletis, ... iiij li. vij ſ. vj d.

Item, for ane doſan ſiluer buttonis to it,[4] . . . . . xviij ſ.

Aug. 27.—*Item*, to be ane Gowne, cote, and dowblat to Lord Robert, the Kingis grace ſonne, xv½ elnis gray Sating relȝé, price of þe elne xxxij ſ.,[5] . . . xxiiij li. xvj ſ.

Item, to couer ane ſadill and harneſing to Lord James of Yelſo, iiij elnis blak veluet,[6] xj li.

Item, gevin to JOHNE GROTE for fraucht of his ſchip ſend be þe QUENIS grace furth of Sanctandrois to Orknay to þe KINGIS grace with Writingis, ... xx li.

Item, to Florence Cornetoune, quhilk he deliuerit to James Scrymgeour at his paſſing to France with tithandis of my Lord Princis Natiuite, ... xj li.

Item, to þe LARD OF CREICH, in parte payment of his Tocher with Madame Grismore, at þe KINGIS command, ... iij^{c}xxxiij li. vj ſ viij d.

Item, to Robert Moffet, in þe Grantoune, for þe inbringing of thre Thevise quhilk wes Juſtifijt, ... ix li.

Aug. 30.—*Item*, gevin to Archibald Stewart to pay iij Gunnaris ane monethis wage in the Castellis of Dunnewik, and Yland Lochbrun, in Ylay, at þe KINGIS command, . ix li.

Item, to Schir George Clapertoune, Maiſter Elimozinar, to the Kingis grace Almous, *per tempus Compoti*, extending vlklie (*weekly*) to iiij li., ... ij^{c}viij li.

Item, to Jonet Logane, Lady Cragy,[7] . . . . xxvj li. xiij ſ. iiij d.

Item, gevin to Johnne Tenent to furneſe the Kingis Purſe, *per tempus Compoti*,[8] (viz. Sep. 17, 1539, to Sep. 2, 1540,) . . . . . I^{m}iiij^{c}xxviij li. xix ſ. viij d.

Item, to William Purves, Knok-makar[9] and ſmyth, for his Penſioune grantit to him be þe KINGIS grace, vnder his Grete ſele, ... xx li.

[1] These were the Hostages given for observing 'guid reule' in THE ISLES. [2] 'Close writtingis' sent to Lords Seytoune, Zester, Somervill, Earls of Arran, Cassillis, and Eglentoune, 'to cum to Edinburghe.' [3] See Jul. 1542 of these Extracts, &c. [4] A number of other dresses, &c. to the King, apparently for Field sports. 'Thir clathis send to Falkland the xx day of August.' The Queen also gets dresses, 'riding cloke,' &c. and a charge for 'xxij Halk hudis' occurs on the same page. [5] It is unnecessary to enumerate all the other furnishings. [6] 'THE ERLE OF LEUINAX SISTER' gets a Gowne, L.45, 10s., Kirtill, L.11, 18s., &c. &c. this month, (20th.) [7] There are many payments to this Lady. [8] There is usually a monthly charge for 'the Purs.' In a few instances, such as the present, the Treasurer entered the gross amount at the end of the year. [9] Clock-maker

Item, to the Gentill woman that wes laitly Mwrise to my Lord Prince, for hir seruice and reward, be þe Kingis Precept,[1] . . . . . xl li.

SUMMA *totalium Expensarum* (a Sep. 17, 1539, ad Sep. 2, 1540,) xxx^{m}ix^{c}lxiij li. v s. x d.

SUMMA of 'the Munitionis and Craftismen'[2] wirkand þairupoun, within þe CASTELL OF EDINBURGHE, LEITHE, &c., for the same period, . . I^{m}v^{c}xiij li. xvij s. xj d. ob.

Item, gevin to tua pynouris for doune-taking of xxx CHALMERIS[3] of þe Heid of Dauidis Towris, (IN THE CASTLE OF EDINBURGH,) and carting of þe samin with vthir Chalmeris and Munitioune, eftir the Coronatioune, to be had again to LEITHE, . . xl s.

Item, gevin to þe carteris for doun-taking of þe samin to Leithe, extending to viij draucht, price of þe draucht ij s. vj d., *summa*, ... xx s.

Sep. 19.—*Item*, to Alexander Hutoune for passing with Writtingis furthe of Edinburghe to Glawmis to þe KINGIS grace, ... xxij s.

Sep. 24.—*Item*, gevin to ane Persebant þat dwellis in Leithe to pas to Lanark and summond James Dowglass of Parkheid for Tressoune, ... xij s.

Item, gevin to Ormond, Persebant,[4] for bringing of tythandis to þe Kingis grace of þe taking of George Macfarlane, and for his passing agane at his grace command to the Ilis, xj li.

Sep. 25.—*Item*, gevin to George Carmichaell for ane pere of Gold of the Mynde[5] deliuerit be him to þe KINGIS grace of befoir, in SANCTANDROIS, weyand twa vnces quarter vnce grote wecht, price of þe vnce vj li. viij s., *summa*, ... xv li. iiij s.

THE expensis vpoune þe furnesing of þe (fiue) Vauknay Yors and (xiij) Yalkis send to the King of France, the Dolphyne, and Duke of Gweis, with Johnne Bog,[6] iiij^{c}lxxiij li. v s. x d.

Oct. 2.—*Item*, gevin to Schir Johnne Campbell to furneis his expensis in passing to the Imperatour with Writtingis, ... iij^{c}xxx li.

Item, to the Imperatouris serband quhilk brocht Writtingis to þe KINGIS grace, . lv li.

Oct. 7.—*Item*, to þe man þat tuke George Macfarlane, at þe KINGIS command, xliij li.

Item, to the Frencheman that brocht the Yors to þe KINGIS grace furth of France, ij^{c}xx li.

Item, to his servand þat kepit þe said hors, ... xxij li.

Oct. 9.—*Item*, deliuerit to Johnne Mosman xij vnces quarter vnce siluer to be ane Relique to ane Vane of Sanct Mahago, ... ix li. iiij s. iij d. ob.

Item, gevin to gilt þe said Relique with, twa Rois-nobillis, . . v li. vj s.

Item, gevin to him, to be ane Relique to ane Vane of Sanct Andriane of May, vj vnces quarter vnce Gold of Mynde, ... xl li.

Item, to him for making of þe samin, ... vj li.

Item, gevin to him for making of þe vper Relique of Sanct Mahago, . iiij li.

Item, to Johnne Paterfone for making twa Caissis to the said Reliquis, . xxij s.

Oct. 11.—*Item*, gevin to Johnne Mosman, for making of the Prinris Armes vpoun Schir James Hamiltonis Chapell gair, þat is to say, ANE CROCE OF SILUER, TWA CHANDELARIS, ANE HALI-WATTER-FATT[7] with ANE STYK, TWA CROWETTIS, ANE BELL, ANE BOIST TO KEIP HOISTIS IN,[8] and ANE COUER TO SERUE FOR þE PAX, all deliuerit to Thomas Dudingstoune, Maister of Howshald to my Lord Prince, and for mending of twa flaconis,[9] . . xx s.

[1] At this period the King's Advocate had only L.40 per annum of Salary. [2] The particulars of this branch of the public Accounts occupy 35 pages; but though they are very interesting, it is not possible to give suitable extracts in this place. Only two entries need be noticed here, which immediately follow this article. [3] A small piece of ancient Ordnance. 'Chambers' are mentioned by some of the early Dramatists, and sometimes in the Stage-directions of Battle-Scenes, we find, 'Chambers are let off in the distance.' [4] He had been despatched, along with Walter Macfarlane, to Kyntyre, to the Master of Glencairn, on Sep. 4. [5] There are numerous similar entries which prove that, during this reign, GOLD was found in pretty large masses in 'the Mynde' at Crawfurd-Muir. [6] 'The various items for harnessing, five saddles, dresses for Bog, and 'vij childerin (lads) that passit in France with the said hors (horses) and halkis.' The *items* occupy above three pages. [7] A vat or vessel to hold Holy-water. [8] A box to keep the Host or Eucharist. [9] Flagons.

APPENDIX.

Oct. 13.—The Expenſis deburſit vpoun þe **four Pawknapis send to the Dolphin of France**, and vpoune þe French Paige callit Laponse, at his departing to France,[1] . ij^c xliij ti. v ſ. vj d.

Item, to ane ſervand þat paſſit to þe **Glawmes** fra þe Lordis with Writtingis to þe Kingis grace, ... xxij ſ.

Nov. 7.—*Item*, delinerit to Johnne Moſman to garneis **ane Bair-tuithe**[2] **to my Lord Prince**, ane vnce twa Vnicorne half vnicorne wecht of Gold of Mynde, . . viij ti. viij ſ.

Item, to him for making of þe ſamin, ... xl ſ.

Item, for gilting of an litill garneſing of **ane Horne to my Lord Prince**, . iiij s.

Nov. 15.—*Item*, to Thomas Arthuir, for furneſing of clething to Schir Johnne Campbell of Lundy, kny^t, at þe Kingis command, **quhen he departit to the Imperatour**, . I^c ti.

Item, to Maiſter Robert Forman, **Ross Herald**, to by him clathis, paſſing with þe ſaid Schir Johnne in company, ... xxiiij ti.

Item, to Thomas Vdward for ane blak furring of cunyng (*eony, rabbit*) ſkynnis, thre Bowis, thre doſane Arowis, and ane quaver **broght furth of England**, deliuerit to Dauid Ferry and Johnne Tennent, ... xx ti. xvij ſ.

Nov. 19.—*Item*, to Alexander Hwtoune to pas and **peind the Lord Marwall** for certane dettis, ... xxij ſ.

Item, to Williame Hardy for his expenſis paſſing **to warne** þe Lairdis of Lothiane **to ryde to the Bordour with the Kingis grace**, ... xiiij ſ.

Dec. 15.—*Item*, to William Hardy **to pas to the Ilis and tak Seysing of MacKanys landis**, ... v ti.

Dec. 19.—*Item*, gevin to þe ȝoung Tapeſcher, for **cariage of the Tapescherie to Glawmes** and vperis places, ... vj li. xiiij d.

Dec. 28.—*Item*, ſend to Striueling to be ane Gowne to Seratt, vij elnis grene Veluet, xxj ti.

Item, ſend to begary it with vj quarteris ȝallow Veluet, . . iiij ti. vij ſ.

Dec. 31.—*Item*, gevin Johnne Moſman for chenȝeis, ringis, tabulattis, bracelattis, targettis, and vþer gold wark reſauit fra him in Striueling, þe Kingis grace being preſent, to be gevin in **New-yere Giftis**, ... iiij^c x ti.

Item, gevin to (Charlis) Murray, for xx **Pawkbuttis**[3] brocht furth of (Duc)heland[4] be him, price of þe pece half Angell nobill, *ſumma*, ... xvij ti.

Jan. 9, 1540-1.—*Item*, gevin to ane Ducheman þat pleyit[5] before þe Lordis, to mak his expenſis, ... xl ti.

Jan. 20.—*Item*, gevin to **the Prothonotar**, ſervand to þe Quenis grace, at his departing to **France**,[6] . . . . . xliij ti.

Mem^o, deliuerit to Johnne Moſman, in þe Abbay of Halyrudhows, þe xxj day of Julij laſt bipaſt, þe Kingis grace being preſent, þis **Gold-wark and Powellis** aftir folowing, quhilk wes of William Hwmes eschete; þat is to ſay, Thré **Chenȝeis**, with ane brokin chenȝe, xj **Bedis of gold**, l **Bedis of Ammatist**, with v **Gowdis of Franche crownis**, twa **Clokis**, thre ſmall buirdis of beltis, hed and pendes of gold, viij ringis, thre hingaris, ane croce, ane hart, twa colleris, ane leſart, and ane ſmall belt, all weyand xxviij vnce half vnce, deliuerit to him, with vþer gold wark, **to be meltit in ane grete lingot**,[7] price of þe vnce viij ti. x ſ., *ſumma*, ... ij^c xlij ti. v ſ.

And þe ſamin tyme delinerit to þe Kingis grace, in ane box, þe litill Copburd of ſiluer, with certane ſtomokkis, perle-bedis, beltis, and vþer ſmall gair contenit in þe ſaidis boxis.

[1] The *items* are too numerous to be noticed. [2] Probably used instead of a coral for cutting the young Prince's teeth. [3] Hagbuts. This is selected to remark, that great quantities of haghuts, culverins, and all kinds of Artillery and ammunition, were imported from Holland, Germany, Denmark, &c., in 1540, 1541, and 1542. The small arms were often in *ninety-nine* number at a time, perhaps from restrictive regulations in these countries, only suffering their exportation if under 100 in number. [4] Holland. [5] Litigated. [6] See Apr. 24, 1542, of these Extracts. [7] Fr. an Ingot, or wedge of gold.

Feb. .—*Item*, ſend to **Falkland**, to þe QUENIS grace, with Alexander Kempt, to be hir **ane Gowne**, xv elnis Purpur velnet, ... lij li. x s.

Item, to be **ane Kirtill**, ix½ elnis Quhyte Dames of þe grete flour, . . xix li.

Feb. 3.—*Item*, ſend to hir grace twa pund wecht ſewing gold,[1] . . xxiiij li.

Item, gevin to Andro Watſone and Schir Johne Kylgour, for þe making of **four Baneris to the Trumpettis**, and furneſing of ſtuff pairto, ... xl li.

Feb. 4.—*Item*, to ane Ducheman þat haid his **ſchip brokin in Sanctandrois** with þe KINGIS Colis, ... xxij li.

Item, to **the Cuntes Pallentynis ſervand**, ... xliiij li.

Item, gevin to **the Freir that come furthe of Greece**, . . . xliiij li.

Feb. 9.—*Item*, '**the Expenſis vpowne my Lordis the Kingis ſonis**,' 'LORD JOHNNE' and 'LORD ROBERT,'[2] for dreſſes, &c. unneceſſary to be ſpecified.

Feb. 20.—*Item*, gevin to Robert Hart, to deliuer to ane feruand of **the Imperatouris**, þat brocht Writtingis to þe KINGIS grace, ... xxij li.

Item, gevin to Johnne Moffettis ſone and his feruand quhilk brocht **Swete-matis and Reuse Wyne**[3] to þe KINGIS grace, ... xj li.

Mar. 11.—*Item*, to Johnne M'caffe, meſſinger, for his expenſe to turs certane **clois Writtingis** of þe KINGIS graces to **the Gentilmenne of the Ilis and vther Yeelandmen**, xliiij s.

Mar. 26, 1541.—*Item*, to Johnne Paterſonne, for ane cais to ane flacone of Aquavite,[4] v s.

'**The Gair**[5] (geir) **furneſit to the Kingis Chapellis of Streueling and Halyrudhous.** *In the first* deliuerit to Johnne Zoung, iiij½ elnis Raid Dames, to be **ane Pendakill** to þe Chapell in þe Abbay,' . . . . . vii li. xiiij s.

Item, for þe **Browdery and Warkmanſchip of thre Jesus wrocht with Crowne of thorne, thre Names of Jacobus Quintus,**[6] **with the Kingis Armes and Crowne above the heid, and twa Unicornis berand the ſamin**, price of all, ... vij li.

Item, to Walter Moncur, for fraucht quhilk he deburſit at þe QUENIS **rumyng fra the Glawmes**, and paſſing agane to þe GLAWMES, ... iij li. vj s.

Item, gevin to Adam Stewart, **to deliuer to** þe ERLE OF MURRAY **in France**, iij^c lxxxviij li. xviij s.

Apr. 2.—*Item*, deliuerit to Johnne Bertane, to be ane **Cote, hois, and brekis, to the Litill Twrk**,[7] twa elnis of RAID and vj quarteris of ȝALLOW, . . . iij li. xviij s.

Item, to be him ane **Dowblat**, x quarteris RAID and ȝALLOW Birge ſating, . xxv s.

Item, for ane raid **Bonet** to him, ... xv s.

Item, for making and lyning of his clathis, ... xxj s.

Apr. 6.—*Item*, to ANE FRENCHEMAN, callit **Latusche**, at his paſſing in France, I^c x li.

Item, to **Maiſter Alexander Gordoune**, at his paſſing to France, . . I^c li.

Item, to ane ſeruand of James Lindſayis, for his expenſis in **hame-bringing of Yalkis furthe of Murray**, ... vj li. vij s.

[1] This is selected to repeat former observations, that THE QUEEN must have passed much of her leisure hours in EMBROIDERING in Gold and Silver. In almost every month of these Accounts there are large payments for furnishings of Gold, silver, and silk thread, &c. On Feb. 12, another charge is made for 'xx½ dowbill hank of sewing gold, xxij li. xj s.' It is unnecessary to multiply similar entries, which are very frequent, and the quantities are usually two or three pounds weight at a time. [2] In another entry this month, he is styled 'LORD ROBERT OF HALYRUDHOUS.' Such entries occur almost monthly. [3] Sweet-meats and Rhenish wine. [4] *Eau de vie*, French Brandy? [5] The other furnishings consist of Abbis, emmettis, towellis, altar towellis with croces of fyne silk, beltis, corporallis, vj tynne crowettis of the fassoune of siluer, ane caip of clayth of gold, and ane caip of blew dames with sternis (*stars*) of gold. [6] See the entry, Mar. 22, 1539-40, of this Appendix. [7] Several notices occur of this individual. He was probably a DWARF, or BUFFOON, as would appear from the nature of the dresses given him from time to time. His name, however, is never mentioned. Several Dwarfs, male and female, were entertained at the Scottish Court, and had regular pensions and liveries assigned to them.

APPENDIX.

Apr. 19.—*Item*, gevin to James Hammiltoune, fone to James Hammiltoune, bmquhile Scheref of Linlythqw, to furneis his fader (furth) of þe realme, ... iic li.

Item, to the Ducheman fernandis to the Lord of the Fair, . . . jcxxxij li.

Birth and Baptism of Arthur Duke of Albany.

Apr. 24.—The Expensis debursit on my Lord Prince, and at the Natiuite of my Lord Duke. *In the first*, þe xxiiij day of Aprile, deliuerit to Johne Tenent, viij elnis quhyte Teffites of twa thredis, to be seruiettis to hald the Caudillis, at the Baptising of my Lord Duke, iiij li.

Apr. 26.—*Item*, deliuerit to Johnne Mofman, to gilt twa heithe standand Cowpis þat wer maid at þe Nativité of my Lord Prince, and now fend to Striueling, x Roife nobillis, xxvj li. x s.

Item, gevin to Johnne Paterfonne, for twa Cacis to þe faidis Cowpis, and ane cace to ane Chalis of my Lord Princes, maid of before, ... xlvj s.

Apr. 27.—*Item*, gevin to Thomas Richartfone, for xij boltis of cammes[1] deliuerit to Johnne Bertone, to be falis, ... xlviij li.

Item, deliuerit to him, for þe fraught of his Schip and Marinallis wage, passand with the Kingis grace to the Ilis, ... Icxiiij li.

Item, to the Heroldis, þe tyme of þe Baptising of my Lord Duke, . xj li.

Item, to James Stevinfonne, for vj Rapperis and twa paintit clathis deliuerit be him to þe Kingis grace, ... vij li. xiiij s.

Item, to Rothissay Herold, for his expenfe paffing to Jedburghe, to prepair þe luggeingis and furnefing to þe Lordis, and remanyng pairupoune (at the Aire), . . vj li. xv s.

Item, to Margarete Scote, for hir lawbouris being with my Lord Prince, v vlkis, xxx li.

Item, to Johnne Foreftar, bower, for Arrowis Hedis, gaynzeis,[2] and quaveris, fra þe ij day of May 1538, to þe iij day of Februar laft, ... xiij li. vij s. viij d.

Death and Burial of Arthur Duke of Albany.

Apr. 29.—*Item*, to Andro Zare in Striueling, for ane Cap of leid that my Lord Duke wes burijt in, ... xiiij s.

Item, gevin to Peter Buntyne, for paffing with Letteris to þe Schereffis and Burrois of þe Westland, for Wapinschawing, ... l s.

Item, to Johnne Paterfone, for paffing with ficlyke Letteris to þe Northland, iij li. xiiij s.

May 5.—*Item*, gevin to William Straitherne, for passing fra þe Lordis, being in Jedburcht, to þe Kingis grace, in Striuiling, with deligence, ... xl s.

Item, gevin to ane Inglisman þat cam fra the Wardane of the Middill Marchis of Ingland to þe Lordis, being in Jedburcht, ... xliij s.

May 22.—*Item*, to Johnne Mortoune, for his labouris paffing to þe Langhope for þe Lord Maxwell, for inbringing of Liddisdale to the Airis, ... iij li.

Death of James Duke of Rothsay, Prince and Steward of Scotland.

May 25.—*Item*, to be twa Fute-mantillis and twa harneffingis to þe Quenis grace, xx elnis Blak Veluet,[3] . . . . . lv li.

Item, to be four Fute-mantillis and four harneffingis to four of hir Ladyis, xl elnis blak veluet, Icvj li. xiij s. iiij d.

Item, a variety of Harnessingis, frenzies, gilting of bukelis, pendeffis, &c. &c. amounting in all to the fum of . . . . . iijclvij li. vij s. ob.

[1] Webs or pieces of canvass or Sail-cloth. [2] For cross-bows. [3] This expenditure is under the head of 'Expensis deburſit vpoun the Quenis Stabill and Ladyis,' for the Month of May.

May 26.—*Item*, fend to Striueling to THE COWNTES OF ARROLL,[1] to be hir ane Dule Weid, vj elnis fyne Paryfe blak, ... xv li.

Item, fend to hir þe famin tyme, four elnis vþer Frenche blak, . . vj li. viij s.

Item, gevin to Eresche Willie, at þe KINGIS command, . . . xl s.

Item, to þE GRAY FRERIS in JEDBURCHT, to þe help of the reparatioune of thair Place, (the Monaftery of Jedburgh), ... xx li.

May 28.—*Item*, to twa boyis þat paffit to Striueling with thre dozen qwik qwalzeis,[2] carpandyis,[3] and vþer fmall gair brocht hame be Hanis Anderfoune, . . . ix s.

Item, gevin to Johnne Paterfoune, for paffing with Letteris to ABERDEN, and vþer BURROWIS IN þE NORTHLAND, for haute-bringing of Hawkbuttis,[4] . . . . xxij s.

Jun. 23.—*Item*, gevin to þe Maifter Coik, to fupport him for expenfis maid þe tyme of his fekenes, ... xiij li.

Item, to the Frenche Doctour, at his paffing to FRANCE, . . . xliiij li.

Item, to Johnne Cayrnis, for þe fraucht of thre fudder of leid,[5] turfit furth of Leithe to Sanctandrois, at þE KINGIS command, ... iij li.

Item, gevin to þE QUENIS grace (Queen Margaret) Nbrire, quhame God affolzé, at hir departing to FRANCE, ... xxxiiij li.

Item, to Johnne Paterfoune, for paffing to Dunkell to fummond MAISTER ADAME OTTERBURNE, and to pas in þe NORTHLAND with Letteris to the Prelatis, and with Letteris to the Scherefis and Burrowis, for Expelling of Egiptianis, ... iij li.

Item, to Robert Blak, to summond the Lord Home; and paffing with ficlyke Letteris to þE MERSE, TEVIOTDALE, and LAWDIANE, ... xl s.

Item, to Robert Hart, for paffing to the Weftland to þE PRELATTIS with ficlyke Letteris, and for Erpulsioune of Egiptianis, ... iij li. ij s.

Jun. 24.—*Item*, to ane Inglifman, þat come with Writingis fra the Bordouris, iij li.

Jun. 28.—*Item*, to William Champnay, for paffing with twa clofe Writtingis to the Erle of Arrane and Lord Flemyng, ... xiiij s.

Jul. 5.—*Item*, deliuerit to George Steill, to be fend to Crawfurd-Johnne,[6] to hing betuix þE TAPESCHERIE and þe wallis, for faving þairof, vj^{xx} elnis Bertane cammes, . . viij li.

Item, to bind þE TAPESCHERIE with, xxx fawdome of cord, . . . v s.

Item, to þE JUSTICE CLERK, at his paffing to Ingland, to mak his furnefing, . I^{c} li.

Jul. 6.—*Item*, to Malcolme Gourlaw to mend the Pailzonis fend to CRAWFURD-JOHNNE, ane ftane of fmall cordis, price, ... xiiij s.

Item, to mend þe faid Pailzonis, four elnis Bertane cammes, . . v s. iiij d.

Jul. (7.)—The expenfis deburfit vpone the Suffrage of Queene Magdalene, quham God affolzé. *In the firft*, for nalis, clekis to hing þe clathis, and pynouris for dichting þairof, and to þe Belman, ... xiij s.

Item, to Schir Johnne Stirk to be diftribut amang þe Chaplanis, . . xxij li.

Item, to þE ERLE OF BUCHANE to offer, ... xxij s.

Item, to Andro Watfoun, Paintour, for þe Painting of v dufan Armes, . v li.

Jul. 9.—*Item*, gevin for þe fraucht of ane bote at midnycht to turs ane writting to the Cardinall, in haift, ... x s.

Item, to Johnne Cob to pas with ane Writting with deligence to þE KINGIS grace to Crawfurd-Johnne, ... xxij s.

[1] Lady Helen Stewart, daughter of John *third* Earl of Lennox. She married, 1st, William *fifth* Earl of Errol; and 2dly, John *tenth* Earl of Sutherland. [2] Quails. [3] Perhaps Ó. Fr. *earpendu*, pomme de car, the apple called a shorte-start? *Cotegrave*. [4] Great quantities appear to have been purchased for the use of the King's troops, besides those obtained by hurgesses, Nobility, &c. [5] A FIDDER of lead 'containis neerly sexscore and aucht stane.' *Skene, de Verb. Sig.* It is elsewhere stated to consist of eight *pigs*, every pig 'three-and-twenty stone and a half.' *Cowel*. See also *Dr Jamieson*, v. FUDDER. [6] During the Royal visit there.

APPENDIX.

Jul. 11.—*Item*, to Johnne Scot callit the Sanct,[1] at þe KINGIS command,[2] . xxij s.

Item, to Schir William Layng, be ane Precept aboue þe ordinar admittit to him in my Lord Prince Yolis, for his Leveray Clathis, ... xiij li. vj s. viij d.

Item, to the Auld Maistres, be ane Precept, at þe KINGIS command, . . xx li.

Item, to Williame Stratherne, for passing with close Writtingis to conbene the Temporall Lordis, ... xxij s.

Jul. 13.—*Item*, for cariage of the Tapescherie (Tapestry) furthe of Edingburcht to Crawfurd-Johnne, ... xxx s. vj d.

Jul. 15.—*Item*, to Johnne Cob for passing with clos Writtingis to þe LORD BORTHWYK and CAPITANE OF DUNBER; and with letteris to þe Schereffis of Berwyke, Roxburcht, Peblis, and Selkirk, for Wapinschawing, ... xxxiiij s.

Jul. 20?—*Item*, to Thomas Vdward for ane barrell of fokkettis,[3] deliuerit to Thomas Hammyltoune, to þe KINGIS grace, ... ix li. vij s. vj d.

Item, gevin to Thomas Softlaw for Stenting of the cannes at the Buttis[4] in STRIUELING, ... viij s. viij d.

Item, to William Purves for mending of my Lord Princes Knok; and for grathing of þe KINGIS grace Knok, making of ane new bell, with ane kist lokkit and bandit to put hir in; xij pair of Rache-cuppillis;[5] and for expensis maid be him passing to SANCTANDROIS and fra thyne to STRIUELING; as his Ticket of Compt gevin þairupoun beris, ... vli. ij s.

Item, ane clos Writting sent fra þe Lordis to þe KINGIS grace, . . xxij s.

Item, to ane Inglisman þat brocht Writtingis fra þe BORDOURIS, and remanit vpoune his ansuer, ... iiij li. viij s.

Jul. 22.—*Item*, for cariage of þe same furthe of Crawfurd-Johnne to Ed^r, . xxviij s.

Item, to þe FRENCHE TAPESCHER for thre hors cariage of Tapescherie furth of Striueling to Crawfurd-Johnne, and for crukis, nalis, and vþeris expensis, . . . xlij s. vj d.

Jul. 24.—*Item*, to Schir Iames Hammyltonis wyfe, quhilkis wes þe prices of cornes sawld to hir, being vpoune þe Manis of Tolicultre, pertenyng to þe LAIRD OF ESTER WEMYS, lxxx li.

Item, Maister Johnne Lawder for his (labouris) in Writting of Directionis to the Cowrte of (Rome) for promotionne of þe Abbayis of Coldinghame (and) Melros to þe KINGIS grace Sonis, ...[6]

Item, deliuerit to George Carmichaell, fone to þe CAPITANE OF CRAWFURD, for thre bnce of Gold[7] quhilk he deliuerit to þe QUENIS grace, the tyme scho wes in Crawfurd-Johnne, price of þe vnce, vj li. viij s., *summa*, ... xix li. iiij s.

Jul. 26.—*Item*, for cariage of þe Tapescherie furth of Crawfurd-Johnne to Cragnethane, and fra thyne to Peblis and Ed^r, and furth of Ed^r to Striueling, . . . xxxviij s.

Item, for thre hors cariage furth of Edingburcht to Striueling with Tapescherie quhilk suld habe passit to the Yuntis, ... xviij s.

Item, for cariage of the Pailzonis to Crawfurd-Johnne, þe vj day of Julij, and remanit furth xj hors to þe xxv day of þe samin, takand ilk hors on þe day ij s., *summa*, . xix li. xvj s.

Item, to Johnne Bog for expensis maid be him vpoun thre Sangweleris[8] quhilk

[1] The celebrated Papist, who fasted forty days on several occasions both in Scotland and at Rome, &c. [2] Probably this was during or immediately subsequent to his voluntary confinement in Edinburgh Castle, until he should have proved he was a Holy person by fulfilling his vows of fasting. [3] Some kind of preserves or comfits? [4] Stretching the canvas at the Butts, for the practice of archery. [5] Dog couples. [6] The ends of the lines obliterated. [7] A specimen of a mass of Gold ore from the Royal Mine. His sister Elizabeth, daughter of Sir John Carmichael, was one of the King's Mistresses, by whom he had JOHN, PRIOR OF COLDINGHAME, &c. See preceding article. She afterwards married Sir John Somerville of Cambusnethan. The PRIOR was father to the noted Francis Stewart, Earl of Bothwell. [8] Wild-Boars; Fr. *Sangliers*. See Aug. 15 following.

coure furth of France to ye KINGIS grace; awayting vpoune yame xiiij dayis, and turfing of yame to Falkland, ... vj li. xj s.

Aug. . . .—*Item*, gevin to ye ERLE OF ERGYLE for Renunsiatioun of all and sindrie ye landis, lordschippis, and dominionis, quhilkis pertenit to ye airis of vmq^le Mackane in the Ilis, and now pertenyng to ARCHIBALD ERLE OF ERGILE heretablie, be Alienatioune, and resignit be him in our souerane lordis handis *ad perpetuam Remanentiam*, ... v^m li.[1]

Item, gevin to Ross Herald, for making of his expensis, passing to the King of Inglande with Writtingis, ... xxij li.

Item, to Normond Lesley, for ouergeving of ye Gift grantit to him be ye KINGIS grace of Archibald Dowglas and William Dowglas Eschetes, in complete payment of ij^c merkis, lxxxix li. vj s.

Item, to Helene Rosse, to ye help of hir dochteris Marrage, at ye KINGIS grace command, ... xiij li. viij s.

Aug. 15.—*Item*, for making of ane Pale of tymmer within ye PARK OF FALKLAND to the Saugwlieris,[2] . . . . . xvj li. xvj s.

Item, to Williame Forrest, for thre pair of grete dog irnis for Deir-doggis, ouergilt with gold, with pair Collaris of Purpure Veluet, stuthit with gilting stuthis;[3] and for Arow-hedis furnesit be him to ye KINGIS grace, ... iiij li. vj s.

Item, to Schir George Clapertoune, Maister Elmosinar, to ye KINGIS grace Almows, ij^c viij li.

Item, to him in augmentatioun thereof, ... lxij li. xiij s. iiij d.

Item, to Jonet Logane, Lady Craigy,[4] . . . xxvj li. xiij s. iiij d.

Item, to Johnne Merlsoun, in complete payment of his lawbouris, warkmanschip, and furnesing of the Register Wous biggit within the Castell of Edinburcht, abone ye sowme of ane hundreth and twenty pundis tane allowance in ye last Chekker; conform to ye CONTRACT maid betuix him and ye CLERK OF REGISTER yairvpoune, ... lclxxx li.

Item, gevin to Charlis Danielstoun for expensis debursit be him vpoun the Thekking of the Dunegoun and Kecheing Tour in the Castell of Blakness, with brwme[5] and dovet;[6] and for thre stok-lokkis to ye Dungeonne, ... iij li. xix s. vj d.

Aug. 17.—*Item*, to Thomas Wdward, for Bowis, stringis, and arowis, deliuerit be him to ye KINGIS grace, Johnne Tenent,[7] George Steill, and Thomas Softlaw, at his grace command, xxx li. viij s.

Item, deliuerit to Johnne Moffettis servand, Conservatour in Flanderis, send hame be him at ye KINGIS grace command, to complete ane Chalmer of the Antique Historie, (in TAPESTRY-WORK,) 273 Crownis of ye sone, ... iij^c li. vj s.

Item, to Patrik Lindsay for vij Steill sadillis and ane ring deliuerit to ye KINGIS grace, ... xxiij li. ij s.

Item, to Johnne Clerk, Jak-makar, for ane Jak deliuerit be him to ye KINGIS grace, couerit with Velvet, ... xxiiij li. xiiij s.

THE ROYAL HOUSEHOLD.[8]

Sep. 7.—The expensis debursit vpoun ye KINGIS SERVANTIS, ORDINARIS, for thair Leberay clathis, *per tempus Compoti*, (Sep. 2, 1540, to Sep. 7, 1541.) *In the first*, gevin to the Compter, Johnne Leslie, Sewaris; Oliver Sinclar, Henry Kempt, Copparis; Dauid Wod of ye Crag, Andro

[1] L.5000. [2] Wild-Boars. See Jul. 26 preceding. [3] Studded with gilded studs. [4] This Pension is regularly paid, and is always entered among the 'ELIMOSINA.' [5] Broom; *planta genista*. [6] Turf. [7] There is another charge of vij li. xij d. to Johnne Forestar, bowar, for Arrowis, the same month. [8] The concluding entries, under this department, at the close of the reign of KING JAMES V, are so interesting, and contain mention of so many persons whose names have long been familiar to the Historian and Antiquary, that the Editor has deemed it proper to give the payments at large. He believes such an enumeration is likely to be acceptable to readers of every class, as it affords such minute details of the internal economy of the Royal Palace, &c.

Wod of Largo, Carbouris; and ye Laird of Craigy, Ischer of the Inner-Chalmer-dur; ilkane of yame xx li., *summa*, ... Ixl li.

Item, to James Leremont and Patrik Wemys, Maisteris of Powshald, ilkane of yame l li., and to the Clerk of Expensis, xx li. *summa*, ... Ixx li.

Item, to James Aikinheid, Archibald Campbell, yeman in the Wyne-Sellar; Stevin Dudingstoun, (servand,) in his saperis place, Maister of the Silber Veschell; Robert Gib, Squyar of the Kingis Stabill; and Thomas Marschell, Maister Cuke; ilkane of yame xx li., *summa*, ... Ic li.

Item, to William Baird, James Wod, Ischeris of the Uter-Chalmer-dur; Normond Lesley, Patrik Kircaldy, Johnne Guthre, and James Watsoune, yemen in the Kingis Chalmer; Johnne Tennent, yeman in the Wardrop; Schir George Clapertoun, Elymosinar; Schir Dauid Cristesoun, Stewart; Schir George Scott, Abbreuiatour of the Bukis; Schir Johnne Jurdane, Elimosinaris Preist; and Johnne Hay in the Kingis Pannetrie; ilkane of yir personis, xiij li. vj s. viij d., *summa*, ... Icix li.

Item, to Walter Moncur, yeman in the Braidhous; James Murray, yeman in the Aill Sellar; Dauid Blantyre, yeman in the Grete-Lairdnar; Thomas Hammiltoune, yeman in the Spicehous; James Richartsoune, yemen in the Petty-Lairdnar; James Edmonstoun, Johnne Bog, Robert Purves, Andro Michelsoune, yemen in the Stabill; Johnne Sprotty, smyth; Johnne Purves, yeman of the Abery; Dauid Hay, Sumptturman; Johnne Lawsoun, Ischer of the Wall-Dur and Colzare; George Gibsoun, Maister Barster; George Ogilvy, Comptroller Clerk; Peter Hammyltoun, Courte Maister Cuke; Schir Johnne Mccall, Catour; Johnne Mccall, Pultreman; ilkane of yame xiij li. vj s. viij d., *summa*, ... ijcxl li.

Item, to Alexander Kempt, Alexander Quhite(law, Murdo Mck)enze and (Andro) Drummond, Grbmes in the Kingis Chalmer—ilkane of yame xiiij li. xiij s. iiij d.; and William Duchall, Botel-man, xiij li. vj s. viij d., *summa*, ... lxxij li.

Item, to Gilbert, (in Mvschettis place,) Grbme in the Wyne Sellar; Thomas Murray in the Ail-Sellare; William Bell, Grvme in the (Grete) Lardnar; Kellis, Grbme for the Veschell; Gawyne Wane, Grbme for the Silber Veschell; Murdo Strineling, Patesar; Johnne Barbour, Thomas Tulloche, Grbmes in the Wardrop; Troylus, Patryk Clerk, Grbmes that kepis the Desertis; Malcolme Gourlaw, Tailzour in the Wardrop; William Galbrayth, Grbme of the Kecheing-dure; Johnne Angus and Dauid Kirkcaldy, in Montis place, Grbmes in the Kingis Kecheing; Johnne Cliddisdale, Grbme in the Spicehous; William Nycholl and James Dunkane, Grbmes in the Courte Kecheing;—ilkane of yame takand x li., *summa*, . . Iclxx li.

Item, to Andro Angus, and Inuerrugy in Dauid Kirkcaldyis place, Under Grbmes in the Kingis Kicheing; and to Patrik Andersoune in the Braidhous—ilkane of yame v li., *summa*, xv li.

Item, to twa Turne-broches in ye Kingis Kecheing, and twa in ye Courte Kecheing, ilkane of yame xxvj s. viij d., *summa*, ... v li. vj s. viij d.

Item, to Patrik Crummy and James Bog, Porteris, ilkane of yame x li., *summa*, . xx li.

Item, to Mawse Atkinsoun, Labendar, for hir Leveray clathis, . xiij li. vj s. viij d.

The Extraordinaris in ye Kingis Hous, for yair Leueray clathis.

In the first, to George Steill, ye Laird of Camskeithe, Schir Mychaell Difart, ye Persoune of Difart, Schir William Drummond, ye Frenche Potingar, ye 3oung Laird of Grange in Angus, Edward Stewart, Johnne Charterhous, and Nycholl Claphane, ilkane of yame xx li., *summa*, . ijc li.

Item, to Richart Carmichaell, George Ormistoune, James Schrymgeour, Chesman Falconer, and Nycholl Arthe, ilkane of yame xiij li. vj s. viij d., *summa*, . . lxvj li. xiij s. iiij d.

Item, to Johnne Richartſoun, Johnne Monteithe, Johnne Murray that ſeruis the Deſertis, ilkane of ꝑame v li., *ſumma*, ... xv li.

Item, to Johnne Drummond, Maiſter Wrycht, in contentatioune of his Leveray clathis, xx li.

THE ORDINARIS IN THE QUENIS HOUS.

In the firſt, to Walter Scrymgeour, Maiſter Iſcher in the Queenis Chalmer, for ꝑis ȝere and ꝑe ȝere precedant, ilk ȝere xiij li. vj s. viij d., *ſumma*, . . xxvj li. xiij s. iiij d.

Item, to Johnne Moncreif, Alexander Lindſay, and Gilbert Moncreif, Iſcheris in the Queenis Chalmer, ilkane of ꝑame ȝerelie, be ꝑe ſaid ſpace, xiiij li. xiij s. iiij d., *ſumma*, . lxxxviij li.

THE ORDINARIS IN MY LORD PRINCE HOUS.

In the firſt, to Thomas Dudingſtoune, Maiſter Houſhald; ꝑe Auld Laird, Maiſter Iſcher, and his ſone; ilkane of ꝑame for ꝑair leueray clathis xx li., *ſumma*, . . lx li.

Item, to Schir William Layng, Maiſter Elymoſinar; and Maiſter Allane Lawmond, Stewart; ilkane of ꝑame xiij li. vj s. viij d., *ſumma*, . . . xxvj li. xiij s. iiij d.

Item, to Criſtiane Baxſter, ſerband to Lady Jane, . . xiij li. vj s. viij d.

Item, to ꝑe four Rokkerris[1] and the Labendar, (Laundress,) ilkane of ꝑame vj li. xiij s. iiij d., *ſumma*, ... xxxiij li. vj s. viij d.

Item, to Mont, Maiſter Cwke to my Lord Prince, . . . x li.

Item, to Alexander Orknay, Foreman in his Recheing, . . liij s. iiij d.

Item, to Patrik Marſchell, Pateſar, ... v li.

Item, to Patrik Henderſoun, in the Ail-Sellar, and James Mckeſoune, in the Pannetrie, ilkane of ꝑame x li., *ſumma*, ... xx li.

Item, to Johnne Dowehall in the Cop-hous, . . . xij li.

Item, to William Crummy, Portar, . . . vj li. xiij s. iiij d.

Item, to William Methvene, Repar of the Silver beſchell and Colezare, vj li. xiij s. iiij d.

Item, to Thomas Stroupe, ſerband to Lady Jane, . . . x li.

THE ORDINAR FEIS AND ȝERELIE PENSIONIS.

In the firſt, gevin to the b Italianis (MINSTRELS) for ꝑair twa Leverayis in ꝑe ȝere, takand ilk Leueray vj li. x s., *ſumma*, ... lxv li.

Item, to the four Menſtralis ꝑat playis on the Ceolis, for ꝑair ȝerelie Penſioune, payit quarterlie, takand ilkane xl li., *ſumma*, ... Ic lx li.

Item, to ꝑe four Menſtralis ꝑat playis vpoune the Trumpettis of Were, ilkane takand xx li., *ſumma*, ... lxxx li.

Item, to ꝑe twa Toddeis that playis vpoune the Swiſche Tabbrne,[2] ilkane takand xx li., *ſumma*, ... xl li.

Item, to Hanis Cocherane, Maiſter Gunner, for his Penſioun, . . Ic li.

Item, to Johnne Byris and James Law, Gunnerris, for ꝑair feis, ilkane havand x li., *ſumma*, ... xx li.

Item, Robert Murray, Plumber, for his Penſioune for vphalding of ꝑe Laid (lead) of ꝑe PALICES OF HALYRUDHOUS and LINLYTHQw, ... xx li.

Item, to George Balglavy, for keping of the Palice of Halrudhous, . vj li. xiij s. iiij d.

Item, to Schir Alexander Boyd, Chaiplane of Sanct Leonardis, for ane hous mayll occupyit be Johnne Drummond to ꝑe KINGIS WARK, pertenyng to his Chapelanrie, . l s.

[1] The Nursery-maids who 'rocked' the Prince's cradle. [2] This, and many other similar notices, which the Editor has since met with, confirms the interpretation which he formerly gave of THE SWESCHE, in Vol. I, JAC. VI.

APPENDIX.

Item, to Thomas Arthure, **Maister Tailyour** to pe Kingis grace, for his fee, lxvj li. xiij s. iiij d.

Item, to **the Quenis Maister Tailyour**, for his fee, ... xx li.

Item, to James Lindſay (**Maister Falconar**), for his fee, . lxvj li. xiij s. iiij d.

Item, to Maiſter Johnne Schrymgeour, **Maister of Wark**, for his fee and leveray clathis, lx li.

Item, to Thomas Mereleyis, **Maister Cordiner** to pe Kingis grace, for his fee, . x li.

Item, to Johnne zoung, **Brodestar**, for his fee, ... x li.

Item, to vmq^le Dauid Ferry (**Furrour**) for ane half zeris fee, becaus he deceſſit within pe zere, v li., and to Patrik Bell, Furrour, for pe vper half zere, v li., *ſumma*, . . x li.

Item, to William Ra, **Cultellar**, for his fee, ... x li.

Item, to Schir James Nycholſoun, **Maister of Wark in Striueling**, for his fee, xiij li. vj s. viij d.

Item, to Johnne Burnhill, (Brownhill,) **Maister Masoun**, for his fee, . . xx li.

Item, to Schir James Inglis, **Chapelane, singand for the sawle of King Iames the Thrid** in pe Abbay of Cambuskynnethe, ... xiij li. vj s. viij d.

Item, to James Bannytyne, **Writter of the Casualteis**, and Maiſter Thomas Kene,[1] x li.

Item, to **the Kingis Aduocat** for his fee, ... xl li.

Item, to **the Aduocat for the Pober**, ... xx li.

Item, to **the Wardane of the Middill-Marches**, for his fee, . . . I^c li.

Item, to **the Wardane Deputis of the Este-Marches**, ... I^c li.

Item, to **the Wardane of the West-Marches** pis zere for his fee, and pe twa zeris laſt precedent, ... iij^c li.

Item, to my Lord Methven, **Maister of Artelyerie**, for his fee, . . I^c li.

Item, to Maiſter James Scott,[2] for his Penſioune, . . xiij li. vj s. viij d.

Item, to Maiſter William Meldrum, for his Penſioune, . . . xl li.

Item, to Johnne Bannatyne, **Writtar**, for his lawbouris, . . v li.

Item, to Patrik Sklater, **Maister Sadillar** to pe Kingis grace, for his fee, . x li.

Item, to Thomas Softlaw, **Sworde-slipper**, for his fe in making of his grace ſkalbertis, withoute ony vper payment, ... xx li.

Item, to Raphaell (Caſſanzeis Hiſpanzeart) for his Penſioun, grantit to him be pe Kingis grace, ... xx li.

Item, to Walter Cvnynghame's wiffe in Striueling, for **vphalding of the Park dikys** (of **Striueling**) pis zere, ... xx li.

Item, to **the Compter**, for his fee pis zere, ... [3]

Item, to Maiſter Alexander Gordoun, for pe Martymes terme laſt bipaſt of his Penſioun, l li.

Item, to Maiſter James Foulis, **Clerk of Register**, for his fe, . xiij li. vj s. viij d.

Item, to Maiſter Thomas Bellendene, for his laubouris **diting the Rollis**, xiij li. vj s. viij d.

Item, to Schir Alexander Scott, Provest of Corstorphing, for his lawbouris **diting the Rollis**, ... xiij li. vj s. viij d.

Item, to **the Thesaurer Clerk**, (Schir George Marſchell,) for his fee, xiij li. vj s. viij d.

Item, to Maiſter James Scott, (**Writar of the Rollis**,) . . . vij li.

Item, to George Gude, ... vij li.

Item, to Maiſter William Mowbray, ... v li.

Item, to Johnne Wallace, (**Writar to the Rollis**,) . . . . . v li.

[1] In the preceding Accounts, Thomas Maben was the senior 'Writer.' [2] In the corresponding entries of former years, 'Maister Thomas Scott, Justice Clerk, for his lawbouris in the Chekkar,' was inserted here. It will be observed that 'Maister James Scott, Writer of the Rollis,' occurs below. [3] Obliterated. The entry in the preceding Account was for two years' payments, 'modefyit with the Lordis, at the command of the Kingis grace Writting, ilk yere V^c. merkis, *summa*, vj^c. lxvj li. xiij s. iiij d.'

Item, to Stevin Hendirſo une, ... v ti.

Item, to Thomas Sinclare, ... v ti.

Item, to Schir George Richertſoune, (Kepar of the Rollis,) . . v ti.

Item, to Johnne Perdovene, Maſer, for his lawbouris in þe Chakker, . v ti.

Item, to Florence Corntoune, for his Penſioun for ordouring of þe Kingis Wark concernyng the Schippis, and keping of þair gair, ... xl ti.

Item, to Johnne Ker, Maiſter of the Salamander,[1] . . . . xl ti.

Item, to William Danielſtoune, Kepar of the Palice of Linlythqw, in Schir Thomas Johnnestonis place, ... xx ti.

Item, to Maiſter Dauid Bonar, for his Penſioune for ouergeving of þe pley[2] of þe Vicarage of Panbryde, at þe Kingis grace command, ... xx ti.

Item, to Maiſter Andro Quhytelaw, for his Penſioune for ouergeving of his Tak to Alexander Quhitelaw, ('his ȝoungeſt broder,') at þe Kingis command, ȝerelie grantit to him, (quhill) his grace provide him ane benefice, ... xxvij ti. xiij s. iiij d.

Item, to William Fowlis, Schir of the Chekkir-hous dur, . . l s.

Item, to Peris Rowane, Gunnar, for his Penſioune þis ȝere, enterit be ane Precept, xl ti.

Item, to Charles Murray, Maiſter of the Kingis Maris, (Brood-mares,) for his fee, liiij ti.

Item, to Dauid Orrok, for keping of the Caſtell of Cragnethane,[3] fra þe ſecund day of September, þe ȝere of God 1540, to þe ſamin day of September, 1541 ȝeris, includand ane hale ȝere, takand ilk day for his ordinar wage, for him ſelf, his ſervand, and hors, iiij s., *ſumma*, . lxxij ti.

Item, to George Tod, Portar in þe ſaid Place, be þe ſpace foreſaid, takand ilk day xvj d., *ſumma*, ... xxiiij ti.

Item, to Maiſter Johnne Dauidſoune, to geve to Quintyne Were, Johnne Mylhous, Malie Hill, and to Atkin Gardnar, all ſerbandis in Nathane, (Craignethane,) in complete payment of þair wagis reſtand vnpayit be Andro Bowe, to þe laſt day of Auguſt, 1541, . . x ti. xix s. viij d.

Item, to Jonet Browne, quhilk wes reſtand awing to hir be vmq^le Schir James Hammiltoune, for feding of vij Oxin, ... v ti. xiij s. iiij d.

Item, gevin to þe twa Gunnaris of the Caſtell of Dunaberticke, for þair feis þis ȝere to cum, ... xx ti.

Item, to William Purves, (Knok-makar and Smyth,) for his Penſioun þis inſtant ȝere, xx ti.

Item, to Andro Lorymar, for his fe þis ȝere and þe laſt ȝere, quhilk was ommyttit and nocht tane allowance of, ilk ȝere x ti., conforme to his Gift admittit, . . . xx ti.

Item, to Robert Blak, Maſer, for his fe þis ȝere and þe laſt ȝere, quhilk wes omittit and nocht tane allowance, ilka ȝere v ti., *ſumma*, ... x ti.

Item, gevin to Hary Ra, Inglifman, quhilk come with Writtingis to þe Kingis grace fra the King of Inglande, ... xv ti. viij s.

Item, gevin to Jakkis that playis bpoun the Cealis, to pay for his ſonis huirdis,[4] for þair Lammes terme laſt bipaſt, be ane Precept at þe Kingis command, . vj ti. xiij s. iiij d.

Item, gevin to Johnne Tofart, Croce-bow makar, for ſtringis, windeſſis, windes cordis, deliuerit be him to Johnne Tenent, ... vj ti. iiij s.

Item, gevin to Johnne Atkynnis Wyffe, in Striueling, for meit and drink furneiſt to vmq^le (Schir) James Hamilltoune of Fynnart, knycht, þe tyme he remanit þair vpoune þe biging of the New Wark in Striueling, at þe Kingis command, be ane Precept, . lxv ti.

Item, to the Compter, for his ſuper expenſis in his laſt Comptis, as þe ſamyn (ſchawin heirwith) beris, ... iiij^m. ij^c. lxvj ti. xij s. v d.

[1] One of the King's Ships.
[2] Law-plea.
[3] Forfeited to the Crown on the execution of Sir James Hamilton of Finnart, knight.
[4] This payment was regularly made for a considerable period.

SUMMA of the Expences of the Royal Household, above stated, *exclusive* of the last article, ... iiij^{m}. j^{c}. lvij li. viij s. iiij d.

'THE Expensis of the Airis of Kirkcudbrycht, (Oct. 22 to Nov. 9,) Wigtoune, (Nov. 9 to 23,) and Korburcht, (Apr. 30 to May 21, all inclusive,) sen þe last Chakker, (the particular *items* of which are detailed,) . . . . . viij^{c}.lxxxxix li. xvij s. viij d. ob.

Item, to Johnne Broune, Maister of the Lyoune,[1] for his fe in þe ȝere bigane, and na allowance tane þairof, becaus he wes in BURDEOUS for þe tyme, in þE KINGIS seruice, xl li.; and for þis instant ȝere vþir xl li., *summa*, ... lxxx li.

Item, gevin to JAMES BERTOUNE and HARY BERTOUNE, sonis to vmq^{le} ROBERT BERTOUNE OF OUIR BERTOUNE, Thesaurar and Comptrollar to þE KINGIS grace for þe tyme, in complete payment of þe ȝerlie Pensioune grantit to þame be þE KINGIS grace for all þe dayis of þair lyfe, or ay and quhill þai and aþer of þame be beneficit, as his grace thinkis expedient, &c. And becaus ELIZABETHE CRAUFURD, þe relict of þe said vmq^{le} Robert, and Robert Mowbray, *alias* Bertoune of Bernbowgall, his sonne and executouris to him, hes quyteclamyt and dischargit all foomes of money awand be our souerane lord to þe said vmq^{le} Robert, and superexpendit in his Comptis þe tyme he wes Thesaurar and Comptroller, as is contenit in þe Chekker Rollis, . . . lxxx li.

Item, to Arche Pennycuke, Maister of the Unicorne,[2] for his fee, . xl li.

Item, gevin to ELIȜABETH HUME, dochter to vmq^{le} William Hume, to hir Mariage, and to þe persoune þat happynis to complet mariage with hir, . . lxvj li. xiij s. iiij d.

Item, to Johnne Lowise, Fuse,[3] and his moder, conforme to þE KINGIS grace Letteris of Gift maid þairupoune, for þis ȝear alanerly, ... x li.

Summa omnium Expensarum hujus Compoti, . xxxvj^{m}. iiij^{c}. lij li. xix s. ij d. ob.

The Expensis maid and debursit vpoune the Mbnitionis and Craftismen wirkand þairon, within þE CASTELL OF EDINBURGHE,[4] and vþiris places, . . I^{m}. j^{c}. lxx li. vij s. vj d. ob.

Sept. 9.—*Item*, gevin to James Scrymgeour, at his passing to France, . I^{c}. x li.

Item, deliuerit to him to geve thre Falconeris þat passit with þe Walkis in France, lxvj li.

Item, gevin to þE QUENIS grace Maister Houshald and his wyffe, at þair departing to FRANCE, ... ij^{c}. xx li.

Sept. 13.—*Item*, gevin to William Straitherne, for his expensis passing with twa close writtingis to Walter McFarlane and McGregour with deligence, . . . xliiij s.

Oct. 3.—*Item*, gevin to ane Ducheman[5] for two Pyssanis of Maiłe, twa Pansis of maiłe, twa pair of Cressonis of maiłe, xiiij Crownis of þe sone; x Walkryggis but heid-gair and Tesslotis, x Crownis of the sone; twa Walkryggis, with Heid-gair and Teslottis, iiij Crownis of þe sone; twa stand of Yarnes, with Glubis and Yogingis, ane Collar of Steill, and ane Pyssane of mełe, xiiij Crownis of þe sone; all þis gair deliuerit to William Smythberd,[6] *summa*, . xlvj li. iiij s.

Oct. 10.—*Item*, to Adame Logane, sone to Robert Logane,[7] to by him an Horse and to furneis him clathis, passing to the King of Ingland with Walkis, . xxij li. xiij s. iiij d.

Item, to Caldwellis, Falconer, quhilk passit with þe famyne Halkis, to by him ane hors, and furnesing of his clathis, ... xxij li. xiij s. iiij d.

[1] One of the Royal Vessels of War. [2] Another of the King's Vessels of War. [3] The Court Fool or Buffoon. [4] One of the entries is as follows:—'ITEM, the penult day of Julij, resauit he Johnne Drummond fra Florence Corintoun, ij^{c}. ane less (199) Estland buird to THE SCHROUDING OF THE REGISTER HOUS; and gevin to the pynouris for baring of the samin to the cartis and carting thairof, iiij s. ITEM, gevin to the Carteris, for carrage of the samin to THE CASTELL, extending to xix draught, xlvij s. vj d.' [5] He also, on Oct. 10, got xxij li. for 'thre schorte Culueringis, ane Swerd, ane lang Culuering, and ane sadill, deliuerit to ye Kingis grace.' [6] This is one specimen of the numerous entries for DEFENSIVE ARMOUR, which KING JAMES V. and his father had a singular passion for collecting, of the finest workmanship, from foreign countries; as well as what could be produced, of every possible pattern, in Scotland. Their collection of Armour for THE TOURNAMENT was equally remarkable, with all kinds of Jedburgh-Staffs, pikes, Cross-bows, &c. &c. The nature of the Armour here enumerated, has frequently been explained in the course of this work. [7] On Dec. 22, Robert Logane, YOUNG LAIRD OF RESTALRIG, got expensive dresses of 'blak Damese' and 'Sating,' &c. It is likely he was the person here mentioned.

Item, gevin to Thomas Arthure, for furnefing of Clathis of Reid and ȝallow to twa Futemen þat paſſit with þe Halkis foreſaid, ... vij li. vij s. j d.

Item, gevin to Caldwallis, for thré monethis Wageis to him, his ſervandis and x Halkis, xix li. xj s.

Item, to mak þair expenſis to þe KING OF INGLAND with þe ſaidis Halkis, xxxiiij li.

Oct. 15.—*Item*, to Dauid Blythe, to paſs in Ingland for ane Conduct to the Ambaſſatouris, ... xx li.

Item, to ane ſervand of þe CARDYNALLIS, quhilk brocht Writtingis to þe KINGIS grace furthe of France, ... xxij li.

Oct. 16.—*Item*, for hinging of the Tapeſcherie in HALYRUDEHOUS, and down-takin of þe famin, ... vij s.

Oct. 22.—*Item*, gevin to JOHNNE LESLYE, broder to MY LORD OF ROTHES, to by him Clathis to his Mariage, ... l li.

DEATH OF MARGARET, QUEEN DOWAGER OF SCOTLAND.

[THE date of QUEEN MARGARET'S DEATH has long been a doubtful and controverted point, and is now, for the first time, settled from indisputable authority. It is only necessary to notice a few of the earlier writers, as the later authors merely perpetuate their errors. *Bishop Lesley* states, that immediately after the 'Quene moder' had stood 'Godmoder' to PRINCE JAMES, (which event he dates 1539,) she 'passit to Methwen, to remane thair with hir husband; quhair scho tuik seikues, and schortly eftir deceassit; and wes buryit in the Charter-Hous Kirk, at PERTH, in King James the Firstis graif, with greit honour and pompe-funeralle, THE KING him selfe and mony Nobill men being thair present.' BANNATYNE CLUB'S *Edit.* p. 157.—*Balfour* falls into the same blunder. *Annales*, I, 270.—The above entry in the Treasurer's Accounts is confirmed by 'THE CHRONICLE OF PERTH,' which has recently been printed for THE MAITLAND CLUB. 'QUENE MARGARET, mother to King James the Fyft, deceisit on Sanct Munokis day, in Methuen, 1541 yeiris; bureit in the Charter hous, besyde Perth, the Kingis Maiestie, Nobilitie, and Barronis being present.' *Chron. of Perth*, p. 2.—It is proper to add, that there are two Scottish SAINTS in the Calendar for October, ST MONON, martyr, at Arduena, A.D. 404, Oct. 18—and ST MARNOK, Bishop and Confessor, who died at Kilmarnock, A.D. 322, Oct. 25. The former of these, however, is the likeliest date of the two, from the various entries, and from the time which must have been employed in preparing the Funeral Ceremonies and 'DWLE' dresses.]

Item, gevin to þe MAISTER CWKE, to be him ane Dwle Weid, ix elnis French blak, xiiij li. viij s.

Item, to ANE FRENCHEMAN, callit Howefone, for v duſane Halk-hudis, xx pair Halk-bellis, and twa Glubis, xxxv Crownis of þe fone, . . . xxxviij li. x s.

Oct. 26.—*Item*, to ane Officiar þat paſſit withe ane Writting fra þe JUSTICE CLERK to þe LORD MAXWALL, for continewatiune of ane Cowrte of Justiciarie, . . xxij s.

Oct. 30.—*Item*, deliuerit, to be þe KINGIS grace ane Dwle,[1] Gowne, Hwid, and Cote,[2] xj elnis half elne Paryſe blak, price of þe elne l s., *ſumma*, . . . xxviij li. xv s.

Item, for ix elnis blak freis, to lyne þe Cote all throcht, . . xxxvj s.

Item, for pointis and ane tolat to turs it to SANCT JOHNESTOUNE,[3] . iiij s. iiij d.

Item, for twa Dwle Bonettis to his grace, ... xl s.

Item, to be his grace ane Rydíng-Cote, four elnis Paryſe blak, . . x li.

Item, Paryſe blak, to be his grace ane Rydíng Cloke,[4] . vij li. xj s. x d. ob.

Item, to Robert Blak, to paſs and proclame ane Justice Courte in Jedburghe, to be haldin þe xxij day of November nixt to cum, ... xxij s.

'THE QUENIS TYREMONT.'

Nov. 1.—*In the ſyſt*, gevin to Alexander Hwtoune, to pas and warne þe ERLES OF HUNT-

[1] O. Fr. *Dueil*, mourning weeds. *Cotgrave.* [2] On Oct. 15, the King got 'SKALBERTIS to his SWERDIS of blak Veluet.' On 21st, there was delivered to the King in 'THE ABBAY, xv elnis of blak Veluet of Janis, quhilk wes send to THE QUENIS grace, xlv li.' On 25th, 'ane COTE, with slevis of blak Veluet, ane DOWBLET of blak Sating,' with other furnishings of black. [3] Perth—where Queen Margaret was buried. [4] There are other furnishings of 'lyningis,' 'pasmentis,' 'schone,' (shoes,) and 'LYARIS and twa CUSCHEONIS of French blak.'

LIE, MARSCHELL, MURRAY, and vperis Lordis and Gentilmen in þe NORTH to cum to the Quenis Tyremont, ... xliiij ß.

Item, to Robert Blak, ſiklyke Letteris to þe ABBOTTIS OF Newbottill, Melros, Lord Zeſter, and vperis Lordis and Gentilmen in Lothyane, . . . xxvj ß. viij d.

Nov. 2.—*Item*, to Henry Kempt, to caus do Suffrage for Obene Magdalyne, quham God aſſolze, ... xj li.

Nov. 5.—*Item*, to Ormond, Purſewant, for paſſing with ſiclyke Letteris to FYFFE, STRAITHERNE, and MENTEITHE, ... xliiij ß.

Item, to Johnne Cob, for paſſing with ſiclyke Letteris to þe ERLE OF CASSILLIS, LORD SYMPILL and ROSS, and vper Gentilmen in þe WESTLAND, . . . xliiij ß.

Nov. 11.—THE QUEEN and her 'LADYIS OF HONOUR' got Dwle Wedis and Mourning Dresses furnished on Nov. vij, ix, and xj, which appear to have been sent to Falkland. It is unnecessary to repeat them here.

Item, gevin to Patrik Bell, FURROUR, for Forringis and warkmanſchip furneſit to the Quenis grace and þe Dwle Wedis foreſaid, as his Compt beris, . . xxx li. iij ß.

Item, to Archibald Leythe, for Furringis deliuerit be him to þe QUENIS grace, to þe effect foreſaid, ... xxiiij ß.

Nov. 14.—*Item*, gevin to William Straitherne, for paſſing with Letteris to DUNBERTANE, Renfrew, Irwin, and Air, to charge þe Gentilmen of þe Schyris pass with the Erle of Glenkarne to Kyntyre, ... xliiij li.

Item, to Alexander Hutonne, for paſſing to McGregour and Allane Stewart of Baquhidder, with twa cloſe Writtingis, ... iij li.

Item, gevin to Archibald Heryot, for paſſing with Letteris to Selkirk to bring in certane eſchete gudis of þe KERRYS, that slew the Probost pairof, . . . xx ß.

Nov. 16.—*Item*, gevin to Thomas Arthour, (Maſter Tailor,) for making xv Clokis to the Quenis grace and hir Ladyis,[1] ilk Cloke iiij ß., *ſumma*, . . . iij li.

Nov. 19.—*Item*, gevin for ane Dwle, of Scottis blak, to Johnne Leslye, ſone to þe ERLE OF ROTHES, ... iiij li. ix ß. iij d.

Nov. 19.—*Item*, gevin to ORMOND, Purſewant, to pas with Letteris to warne þe Barronys to ryde with the Kingis grace to the Bordouris,[2] . . . . . xliiij ß.

Nov. 28.—*Item*, to Archibald Heryot, for paſſing with Letteris to the Wardane of the Myddill-Marcheis of Inglaud, ... iij li. vj ß.

Nov. 29.—*Item*, to be the Turk[3] ane Cote, v½ quarteris demmegrave, and v½ quarteris Zallow,[4] . . . . . lvij ß. ix d.

Nov. 30.—*Item*, gevin to Thomas Ahannay, for his expenſis paſſing to PERTHE with þe QUENIS Ladyis Clokis, ... xj ß.

Item, deliuerit to Johnne Moſman, for Chenzeis of Gold and vper Gold wark, brocht furth of FRANCE be him, and deliuerit to the Quenis grace, . . . iij c. xxvj li.

Dec. 15.—*Item*, deliuerit to the Tapescher, to cover þe Stavis (Poſts) of ane Bed to þe KINGIS grace, and hing aboute þe ſamin, xiij¼ elnis Crammoſsye Veluet, lxxxxix li. vij ß. vj d.

Item, to (be) Frenzeis to þe ſaid Bed, ix grete hankis sewing Gold, . ix li. xviij ß.

Item, to þe TAPESCHER, for his warkmanſchip and making of þe Frenzeis to þe ſaid Bed, and making of the Clathis of Stayt following,[5] . . . . vj li.

[1] 'FUTE MANTILLIS' of 'Paryse' and 'Frenche blak' were provided, on Nov. 3, for THE QUEEN and her LADIES OF HONOUR, with 'HARNESSINGIS,' &c., and similar furnishings were also made for THE KING, &c. [2] Other messengers, dispatched with similar Letters. [3] Probably the same individual who is elsewhere styled 'The Littill Turk,' one of the Court Dwarfs. From the quality of the dress, he appears to have been a Jester or Buffoon, whose *motly* dress was green and yellow. [4] He also got a doublet and hose of 'blak fustiane and Scottis gray.' [5] It is unnecessary to enumerate these, for although they are interesting, they are too numerous to admit of insertion.

Dec. 21.—*Item*, deliuerit to Thomas Arthuir, to be ane Dwle Gowne, Cote, and Huid to þe KINGIS grace, xj½ elnis Paryſe blak Sating,[1] . . . . xviij ſ. ix d.

Dec. 23.—*Item*, deliuerit to Dauid Blyth, to by him ane Dwle-Cote, Huid, and Hois, and to mak his expenſis paſſing with the Embaſſatouris in Inglande, . . xx li. iiij ſ.

Item, gevin to George Leſlye, ſone to þe ERLE OF ROTHES, to by him claithis agane ȝwle, ... xx li.

Item, to Maiſter James Bonar, quhilk he gave for Cedronis and Garnottis to þe KINGIS grace, ... iij li. vj ſ.

Item, to þe men þat brocht þe Gyre-Falconis to þe KINGIS grace, . xliiij ſ.

Dec. 24.—*Item*, to be Curcheis to Lady Jane for hir Dwle, four ½ elnis Holland clayth, and four ½ elnis round Holland clayth, ... iiij li. xiiij ſ. vj d.

Item, deliuerit to þe TAPESCHER, to be four Clathis of Stait, to hing the Chapell and þe KING and QUENIS Chaluerris, xlviij elnis Frenche blak, . . . lxxij li.

Item, to Johnne Zoung, Brodester,[2] to be Pendykillis and frontellis to þe KING and QUENIS Altar, vij½ elnis Frenche blak, ... xj li. v ſ.

Item, to be Coberingis to the Lettronis[3] in þe CHAPELL, xij elnis blak Birge Sating, price of þe elne x ſ., *ſumma*, ... vj li.

Item, gevin to Johnne Zoung, for twa Crucifixis of ſilk browdery wark, and twa Imageis of our Lady and Sanct Johnne; for making of þe cuveringis of þe Lettronis, withe faſſis of ſilk and furneſing þairto; and making of all þe foreſaid Chapell gair, ... xviij li. vij ſ.

Item, gevin for waving of vj½ vnces blak ſilk, deliuerit to Thomas Softlaw, to bind the Kingis Sword-handis withe, ... ix ſ. ix d.

Item, gevin to Johnne Moſman, for ane Clamb-ſchell of ſiluer to put Twirhe pulder[4] in, weyand thre vnces, price of þe vnce xvj ſ., and for þe warkmanſchip, xiiij ſ., *ſumma*, ij li. ij ſ.

Item, for ane vþer Clamb-ſchell to put Valk meit in,[5] weyand vij ½ vnces grote wecht; and for þe warkmanſchip, xx ſ., *ſumma*, ... vj li. xiij ſ.

Dec. 29.—*Item*, gevin to Petir Thomeſone, for his expenſis paſſing to Lundyne to the Embaſſatouris withe deligence, ... xxij li.

Item, deliuerit be Thomas Arthuir to þe LADY CRAGY, to be hir Dwle-Gowne, Kirtill, and Huid, vij elnis Paryſe Blak,[6] . . . . . xij li. xij ſ.

Jan. 3, 1541-2.—*Item*, to mend the Queenis Cheriot, vj¼ elnis blak Veluet, xvj li. xvij ſ. vj d.

Item, for v quarteris auld Crameſſy Sating, to mend þe lynyng of þe ſamin, . iij li.

Item, to Helene Roſs, to mak Frenȝeis to þe ſaid Cheryot of blak ſilk, iij li. v ſ. iiij d.

Item, for ane reuȝe of worſet to þe Lady Cragies brydill,[7] . . iij ſ.

Item, gevin to Johnne Cranſtoune, for bringing of twa Thebis to þe KINGIS grace, vj li. xiij ſ. iiij d.

Jan. 10.—*Item*, to the Hiſpanȝert Gentilman þat is withe RAPHAELL,[8] . x li.

Item, to þe ſaid Raphaell, at þe KINGIS grace command, . . . x li.

Item, to Alexander Wicht, cultellar, for v gilt Quhingaris, ane Dedburghe-Staff, twa Spair-hedis, ouergilt, and four Duggeoun-ſtokkis,[9] . . . . viij l. xvj ſ.

Jan. 11.—*Item*, to Jakkis and his collegis, Armoraris, for ane lycht Yarnes, with dowbill TESLETTIS, and ane STELE-BONET to þe KINGIS grace, deliuerit to Robert Gyb, xiiij li. ix ſ.

[1] Many other furnishings. [2] Embroiderer. [3] Desks. O. Fr. *Lectrin*, letrin. [4] It is uncertain whether this is *touch* and priming powder, or *tooth-powder*, though the Editor believes the latter to be the proper reading, as a Clam-shell would not make a ready flask for priming a culverin, &c. See under Feb. 15, 1541-2, following. [5] This was a favourite ornament of THE KING'S. He appears to have been eminently skilled as a Falconer, and indeed in all the sports of the field and manly exercises. [6] She also got 'ane RIDING CLOKE,' 'DWLE CWRCHEIS,' consisting of 8 elns of 'Holland claith,' 'ane FUTE-MANTILL and HARNESSING,' with [7] ARMING (Ermine) to lyne hir Huid and taill of hir Gowne,' amounting to xxiij li. iij s. additional. [7] There is much interesting expenditure, for furnishings to the Royal Stables, &c. at this period, but too lengthened to be given here. [8] Raphaell Cassanzeis. [9] Stocks or handles to Dudgeon-daggers.

APPENDIX.

Item, to Robert Crag, for ane Collar of gold sett with Perle, brocht hame be him to the QUENIS grace, xvij li. xij s.; and for Bonettis, sword-beltis, sewing-silk, and vper gear, xiiij li. xij s., *summa*, ... xxxij li. iiij s.

Item, gevin to Williame Calderwood, for ane pair of Organis, deliuerit to the Chapell in Valyrudhous, ... lx li.

Jan. 24.—*Item*, to Schir Dauid Murray of Balwaird, kny[t], in recompance of his landis of DUDINGSTOUNE, tane in to the new Park besyde Valyrudehous, . . iiij[c] li.

Item, to Dame Mayne, in the Cannogait, for dettis awing to hir be Barbara Stewart, at the KINGIS command, ... l li.

Jan. 31.—*Item*, to Peter Thomsone, for his expensis passing to Lundyne to the Embassatouris, with deligence, ... xxxiij li.

Item, to Johnne Cob, for passing with close Writtingis to the Capytane of Dunbar and Priores of Vadingtoune, ... xij s.

Feb. 2.—*Item*, gevin to Helene Ross, for ane Purs to putt iij[c] Crownis in, quhilk wes gevin to the French Embassatour, ... xiiij s.

Feb. 14.—*Item*, gevin to the Quenis Paintour,[1] to by colouris to paint with, in Falkland, ... xj li.

Feb. 15.—*Item*, gevin to Johnne Mosman, (goldsmith,) for twa Valk-bellis of Gold to the KINGIS grace, weyand xiij ½ Vnicorne wecht, price of the vnce viij li., *summa*, . xiij li. x s.

Item, gevin to him for making of pame, ... xxij s.

Item, gevin to him for ane Pennare of siluer, to keip Pyke-teithe in,[2] to the KINGIS grace, xxviij s., and making of it, xiiij s., *summa*, ... xlij s.

Item, gevin to him for Chenzeis, Tabulattis, Tergattis, Bracelattis, Ringis, Stanis, and Perles, furnesit pairto, ... iiij[c]lxxxvij l. iiij s.

Item, gevin to Thomas Rynd, for siclyke Gold-wark, . . ij[c]xlix li. vj s.

Mar. 5.—*Item*, gevin to Alexander Hutoune, to pas to the Lord Maxwall with the Portuys[3] of the Justice Courte of Annardale,[4] . . . . . xxij s.

Mar. 6.—*Item*, to be close Coberis to the Steill-sadillis, v dusane and four Basane[5] skynnis, ... viij s. x d.

Mar. 10.—*Item*, gevin for Clathis furnesit to Thomas Dury, Cwke to Lord James, xli. vij s. j d.

Mar. 13.—*Item*, to be ane Nycht Gowne to Maistres Margarete, sister to the ERLE OF LEVINAX, ix elnis Lylis worset, ... vj li. xiij s.

Item, for Mertrykkis and blak (Sable) skynnis, to lyne the said gowne with,[6] iij li. x s.

Apr. 24, 1542.—*Item*, gevin to Charlis Murray, for ane Bardit (Barbed) Yarnesing to THE KINGIS grace Hors, ... xxij li.

Item, gevin to him for lxxxxix Wagbuschis, deliuerit to the Mvnitioune Hous, price of the pece xiiij s., *summa*, ... lxix li. vj s.

Item, to the Prothonotar, and ane vper servand of THE QUENIS, at pair passing to FRANCE,[7] . . . . . xxxiij li.

Item, to Hallot, Page, to furneis his expensis to France,[8] . . . xxxiij li.

May 5.—*Item*, gevin to the Quenis Paintour, for ane monethis wage, fra the thrid day of this monethe to be pait to him monethlye, as it cummis vpone the day, to ij s. vj d. for him and his servand, ... iij li. x s.

[1] The name of this individual cannot be traced in the Record. He was for a considerable time in the constant service of the Queen, and receives many large payments. [2] See Dec. 24, 1541, preceding. [3] The Porteous Roll. [4] Usually written 'Annanderdaill.' [5] Bison. [6] A variety of other furnishings, 'blankettis, lynnyng schetis, boystaris, Arres-wark for a bed-cover,' &c. [7] See Jan. 20, 1540-1, of these Extracts. [8] He also got costly dresses, previous to his departure.

May 12.—*Item*, ſend to SANCTANDROIS, to be ane Gowne to THE LADY ERROLL, agane her Marriage, xiiij elnis reid Veluot of grane, ... xlv li. x s.

Item, to be hir ane Kirtill, vij ½ elnis Purpure Sating, . . xxij li. x s.

May 22.—*Item*, to be ſend to SANCTANDROIS, to be Clathis to SERAT, the Quenis Fwle, thre elnis dimmegrave, and thre elnis ȝallow, ... vj li. xviij s.

Item, to Ross, HEROLD, at þe KINGIS command, for his lawbouris awaytand vpone the French Imbassatour, the tyme he wes heir, ... x li.

Item, gevin to Peter Roſs, for turſing of Letteres to the Duke of Pomer,[1] vj li. xij s.

May 24.—*Item*, to be ane Cote and ane pair of hois (for þe KING) of þe Italiene faſſoune; and to jeit the Cote with thre vanis aboute the Taill, xj elnis blak veluet of Janis,[2] . xxxiij li.

Item, to ane Inglifman þat brocht Writtingis to the Embassatouris, . vj li. xij s.

May 27.—*Item*, to Katheryne Bellendene, to be ane Slebe to put above THE KINGIS Harnes, twa elnis Purpure teffites, withe thredis of gold, ... xl s.

Item, for rubennis of ſilk pairto, ... ix d.

Jun. 1.—*Item*, gevin to Thomas Wallace, Taloȝour, for making of THE QUENIS grace Dwle Gownis and hir Ladyis, and furneſing maid be him pairto, . . x li. xj s. viij d.

Jun. 7.—*Item*, to Johnne Caldwallis, for his expenſis paſſing in NORROWAY for Valkis to THE KINGIS grace, ... xxij li.

Item, gevin to Johnne Mwre, for his expenſis paſſing to gyd the ſaid Johnne in Norroway, xj li.

Item, gevin to THE LAIRD OF BRUNTSTOUNE, for his expenſis passing to France, at THE KINGIS command, with four Yors, ... Ic x li.

Item, to pay for þe Fraucht, and boyis to kepe þame, . . . xx li.

Item, to THE LAIRD OF STEVINSOUNE, for his expenſis paſſing to FRANCE þe ſamin tyme, ... xxxiij li.

Item, deliuerit to ANDRO WOD OF LARGO, at THE KINGIS command, be ane Precept, to redeme Landis, as his grace hes gevin him command, . . . ijm li.

Jun. 17.—*Item*, deliuerit to the Frenche Ipotygar, at his paſſing to FRANCE, xxxiij li.

REGALIA—THE KING'S AND QUEEN'S CROWNS.

Jun. 27.—*Item*, gevin to THE CAPITANE OF CRAWFURD, for fyve ſcore xij ¼ vnce bwmolting Gold of Myrd, price of the vnce vj li. viij s., quhilk wes deliuerit to Johnne Moſman and diſponit vpone THE KING and QUENIS graces CROWNIS, weyand, the Kingis Crowne, xlj ¼ vnce; the Quenis Crowne, xxxv vnce; aud to eyk, ane grete Chenȝe to his grace, xvij vnce, and ane Belt to þe QUENE, weyand xix ½ vnce, ... vijcxviij li. viij s.

Jun. 28.—*Item*, to the Quenis Paintour, for his Wageis fra þe laſt of May, iij li. x s.

Jun. 30.—*Item*, gevin to the LORDIS ERSKIN and RUTHVENE, for ſupporting of thair Expenſis paſſing to the Bordouris, ilkane 200 merkis, and to þe JUSTICE CLERK 100 merkis, iijcxxxiij li. vj s. viij d.

Item, to Dauid Creichtoune, CAPITANE OF þe CASTELL OF EDINGBURCHT, for Expenſis maid vpoune MATHOW HAMMYLTOUNE, EWYNE McNEYLL VANE, THOMAS GRAY, and ANDRO HAMMYLTOUNE, (State Priſoners,) be þe ſpace of ane ȝere, . . lx li.

Jul. .—*Item*, reſſauit fra Alexander Quitelaw, ane Claumeschell of ſiluer, weyand vij vnce half grote wecht, to mak ane new Schell to keip þe KINGIS Walk meit,[3] and eikit to þe ſamyne twa vnce 3½ grote wecht; and to be ane ſtoppell to ane ſchell to keip the Kingis grace Twithe pulder, xxxix s.

Item, gevin to him (Johnne Moſman) for making of þame, ... xx s.

Jul. (7.)—*Item*, The Quenis (Magdalenes) Derige celebrated as uſual.

[1] Pomerania. [2] Many other furnishings, &c. [3] See Aug. 13, 1540, of these Extracts, &c.

APPENDIX.

Jul. 7.—*Item*, gevin to **Ormond**, PERSEWANT, for his Expenſis paſſing to warne þe Lairdis of Striuelingſchyre and Lothyane to ryde with þe QUENIS grace þe tyme ſche paſſit forth of Striueling to **Peblis**, ... xxij ſ.

Jul. 8.—*Item*, gevin to Thomas Ramſay, Falconar, for his Wageis remanying in Edinburcht vpone the **ſetting of the Kingis** grace **Walkis**, ... iiij li. viij ſ.

Jul. 10.—*Item*, gevin to **the Quenis Paintour**, for his wageis to Aug. firſt nixt to cum, (the ſame being paid monthly,) . . . . . iij li. x ſ.

Item, to William Smythherd, for dichting of THE KINGIS grace **Iuſting Warnes** and gilt Harnes, Steill Sadillis, Roundellis for Speris, Schaifronis for Horſis, &c. . . xx li.

Jul 11.—*Item*, gevin to Johnne Bertonne, for expenſis maid vponne **the Grete Unicorne**,[1] Jul. xj, 1541, at hir **paſſing to France with the Cardinall**; and paying of Marynall wages, &c., except hir victaling, ... Ic xlix li. xxiij d.

Jul. 13.—*Item*, deliuerit to þe KINGIS grace, in PEBLIS, **ane Ring** with ane grete **Saphire**, (Sapphire,) . . . . . xvj li. x ſ.

Item, gevin to Johnne Paterſonne, for ane Kaiſe for vj **Grete Peces** (Silver Plate), xvj ſ.; and for ane Kaiſe to iiij **ſmall Peces** with ane cover, x ſ.; and for twa Kaiſſis to twa **Lawaris**[2] **of Silver**, xx ſ., *ſumma*, ... xlvj ſ.

Item, to þe CAPITANE OF DUNBAR, for ſuſtenyng of **Johnne Moydart** in meit and drink fra þe feiſt of Candilmes, 1540, to þe feiſt of Lammas, 1541, ... xlv li.

Jul. 14.—*Item*, gevin to Peter Thomeſonne, for his expenſis paſſing to **the Counſall of York** with deligence, ... xv li. viij ſ.

Item, gevin to Johnne Merlȝoune, in complete payment for the **Biging of the Register Hous** in THE CASTELL OF EDINBURCHT, aboue þe ſowme promittit him in the Contract, becaus the werk wes ekit,[3] . . . . . xxij li.

Item, gevin to Frances Aykman, for **Droggis** furneſit be him to þe KINGIS grace, and to **Maiſteres Margarete**, at his grace command, ... lxiiij li. xvj ſ.

Jul. 16.—*Item*, for cariage of THE PALȝEONIS to **the Hunting**, and Hors wage, fra þe vij of þis moneth, ... ix li.

Item, gevin to William Hardy, paſſing to Dunfermling with ane cloſe Writting to þe BISCHOPPIS, being þair, to cum to Edinburcht **to conboy the Quenis** grace, &c. . . xxij ſ.

Jul. 17.—*Item*, gevin to Robert Spittall, for making of þe QUENIS **Dwle Wabytis** and hir **Ladyis**, ... xxij li. ix ſ. vij d.

Jul. 18.—*Item*, to ane boy, to paſs with ane Writting of **my Lord Secretaris** to Dumfermling to THE LORDIS, being þair, ... iiij ſ.

Jul. 20.—*Item*, to Robert Blak, for paſſing with Letteris fra þe Lordis to **Jedburcht**,[4] xxij ſ.

Item, to Raphael Hyſpanȝert, for his penſionne, ... xx li.

Jul. 21.—*Item*, gevin to Adam Grymiſlaw, to furneis (hire) him ane Hors to þe KINGIS grace, xliiij ſ.: And at his returnyng agane furth of **Ergyle**, xliiij ſ., *ſumma*, . iiij li. viij ſ.

Item, to Petir Thomſonne, for his expenſis paſſing with deligence eftir **the Maiſter of Houſhald**, ... xxvj li. viij ſ.

Jul. 26.—*Item*, gevin to þe LAIRD OF SWYNTOUNE, be deliuerance of þe LORDIS, for **ane Wors quhilk wes tane fra Schir William Eberis**, and he wes cauſit to mak redres þairof be þe Lordis Commiſſioneris,[5] . . . . . xxxiiij li.

[1] One of the Royal Vessels of War. [2] Lavers. [3] Because additions were made to the work. There are many entries of payments to account of this building in former parts of the Accounts. See also Aug. 16, 1542. [4] The same day Letters were despatched to 'THE BISCHOPPIS, PRELATTIS, and LORDIS, throcht all THE WESTLAND and NORTHLAND.' And during the remainder of the month a great stir was made, in summoning all the Barons, &c. 'for suppleing of THE BORDOURIS,' &c. [5] The Lairds of Aytoune and Swyntoune were WARDEN-DEPUTES OF THE EAST MARCHES at this time, having regular Pensions for their services.

Jul. 29.—The Expensis of the Brint Island, and THE KINGIS grace Schippis, *per tempus Compoti*, ... iij^{c}lxxvj li. xvj s. xj d.

Item, to Alexander Orrok of Sillibawbe, in Tochir-gude with Barbara Falconer, dochter to vmq^{le} Dauid Falconar, at ye KINGIS command, becaus the faid vmq^{le} Dauid wes flane in his grace feruice,[1] . . . . . j^{c}xxxiij li. vj s. viij d.

Item, to Adam Forman, for paffing with Writtingis to the Counsall of York, and tharefter to Londyne, to the Maifter of Houfhald, ... xxvj li. viij s.

Item, to ane Inglifman quhilk brocht ane Writting fra Schir William Eberis to ye LORDIS, (of Privy Council,) . . . . . iij li. vij s.

Aug. 7.—*Item*, deliuerit to Charlis Murray, to be ane Ansenze,[2] x elnis raid and 3allow Teffites of cord, and twa elnis quhite Teffites of Janis, to be Croces pairto, . . x li. viij s.

Item, to Thomas Gybfoune, karter, in parte of payment of the cariage of certane Artelzerie to ye HEREMITAGE,[3] . . . . . l s.

Item, to James Law, to by ane falt hyde to couer the Poldier pat paffit pair, and twa pulderbaggis, ... xiij s. viij d.

Item, gevin to Dauid Purves, mafer, for paffing with Letteris to the Merse, to proclame and charge all inhabitantis pairof pat baid fled, to pafs hame agane for defenfe of pe cuntré, . xl s.

Item, gevin to Robert Blak, for paffing with ane Writting to ye LAIRD OF BASSE, to Charge him to kepe Edringtoune, ... xiiij s.

Item, to Thomas Dalmaboy, to mak his expenfis paffing with pe Artelzerie to pe HEREMITAGE, ... xxij s.

Aug. 10.—*Item*, gevin to Johnne Cob, paffing to charge pe Carteris in Leithe, Hadingtoune, North Berwyk, and vperis places in Lodiane, to be reddy within xxiiij houris warnyng,[4] xxij s.

Item, gevin to twa Inglifmen, quhilkis wer in Cowper-of-Angus and Newbottill, ilkane four Crownis of pe fone, ... viij li. xvj s.

Item, to the Inglifman quhilk brocht Writtingis laft fra the Counsall of York, iiij li. viij s.

Aug. 12.—*Item*, gevin to William Champnay, for paffing with Letteris to Dunbertane, Glafqw, Air, Irwine, and Quhitherne, to charge pame fend pair Schippis and boittis, with vperis Vefchellis, to cary men furth of the Ilis; and with vperis Letteris to pe Schereffis, to charge pame be reddy vpoune fax houris warning,[5] . . . . . lv s.

Item, to Peter Thomfoune, for passing to Londyne with Writtingis to the Maifter Houfhald, ... xxxiij li.

Item, deliuerit to Walter Scrymgeour,[6] to be ane Ansenze, and Croces pairto, &c. viij li. xix s.

Item, gevin to Johnne Mofman, quhilk he gave to ane man pat brocht twa Fals Conzearis to Edenburcht, ... xx s.

Aug. 15.—*Item*, gevin to Archibald Heriot, for paffing with ficlike Letteris[7] to pe Lord Zester: And with Letteris, to proclame in Coldinghame pat all Tenentes and Frehaldares of pe famin pafs and remane pair for defence of pe Place,[8] . . . . . xxij s.

Item, gevin to Johnne Forftar, Bowar, for Arrowis to ye KINGIS grace; and ane Bow, ane Braife, ane Glvffe, and ane dufane Arrowis, to ye QUENIS grace, deliuerit to Olinere Sinclare and Johnne Tenent, fra Apr. 3 to Jul. 30, inclufive, ... x li. xv s. vj d.

Aug. 16.—*Item*, to Robert Blak, for paffing with Letteris to pe Schereff of Hadingtoune, and

[1] At the Siege of Tamtallon. [2] Ensign, Standard. [3] Prior to the Battle of Haddenrig. [4] Charges were also despatched to all the Shires to be in readiness. [5] Messengers sent with similar charges to all the other Sheriffs. [6] Constable of Dundee, heritable Royal Standard-Bearer. [7] Letters had been sent 'with deligence,' by many Messengers, to all the Nobility, &c. [8] The Monastery. In the counties adjoining THE BORDERS, the Barons, &c. were enjoined 'nocht to ryde' Forays into England, individually, but to await the arrival of the Army, &c.

APPENDIX.

Inhabitantis of þe Schyre, to paſſe within ſax houris to **Lawder**, and await vpoune þe LIEUTENENT,[1] . . . . . xxij ſ.

Item, to Beſſe Mcaw, **Nuriee to Lady Jane**, be ane ſpeciall commande of þe Kingis grace, ſiclik as ſcho gatt ȝerlie of before, ... x li.

Item, gevin to Anthone Briſſett, **Surrurgeane**, for laubouris done be him to þe QUENIS grace, at þis tyme alanerly, ... xx li.

Item, to George Leche, William Quhite, George Fothringham, and Dauid Robertſoune, **Surrurgeanis**, paſſand to þe BORDOURIS for curing of all perſonis þat hapnit to be hurt be **Inglis meune**, ... xij li.

SUMMA **totalium Expensarum** (a Sep. 7, 1541, ad Aug. 16, 1542, being the total expenditure of the preceding year,) . . . xxiiij^{m} iiij^{c} lxxxxiij li. xj ſ. x d. ob.

SUMMA of '**the Mwnitionis**,' . . . . . I^{m} ij^{c} lxxxx li. xiiij ſ. ij d.

A few of the articles only can be selected in this place, although many of them would be found to be extremely interesting to the Historian and Antiquary.

(Mar. 18, 1541.)—*Item*, gevin to certane pynouris, for monting and drawing of the famin ('ane dowbill Culuering,' newly founded) to the Craigheid,[2] **to be seyit**[3] **and schott**: And for the drawing of the Pece caſſine (caſt) before the laſt Chakar to be ſchote withe hir, . v ſ.

Item, for indrawing of the famin within **the Mwnitioune-Wous**, eſtir þai wer ſchot and ſeyit, ... iij ſ.

Item, gevin to Andres Menſioune, for **Grabing of the Kingis grace Armes**, with VNICORNES, THRISSILLIS, and FLEURDELYCES vpoune the ſamin Pece; and graving of the dait of þe ȝere vpoune the mouthe þairof; and vpoune the graving of Armes, Thriſſillis, and Flourdelyces vpoune ſindry vþeris Peces, ſett in taſk be Johnne Drummond[4] to him, . . . xiii li. vj ſ. viij d.

(Sep. 9.)—*Item*, gevin for xl new **Rammes**[5] to þe **Auld Culueringis** quhilkis wes fund in THE CASTELL rouſtit,[6] and the Rammes brokine, ... vj ſ. viij d.

Item, for thre chopinnis Vle de Olyve for clenȝeing þairof, . . . vj ſ.

(Oct. 3.)—*Item*, Johnne Drummond and his ſervandis paſſit to DALHOWSE-WODE and cuttit xiiij^{xx} pece of Birk, to be ȝokkis and fyre-wode, and tenne treis of elme to be navillis to quhelis; and gevin for the carriage of þair wark-lymes to þe Wode, and hame-bringing of the ſamin, x ſ.

(Mar. 27, 1542.)—The Expenſis deburſit vpone **the Pulder-Mylne** and craftiſmen, fra Mar. 27 to Aug. 6, ... xlix li. xij d.

The Expenſis deburſit vpone **the Wark of the Register Wous**,[7] (*ſumma*), xxxviij li. vj ſ. x d.

Item, to William Fandik, Ducheman, **Makar of Irne Gunnis**, fra his entere to Wirk in þe CASTELL, quhilk wes þe xxvij day of Auguſt laſtbypaſt, to þe xxj day of December (1541) incluſive, quhilk tyme he deceſſit, havand vlklie xviij ſ., *ſumma*, ... xv li. vj ſ.

[1] The same charges sent to the Sheriffs of Linlithgow, Peebles, and Selkirk, &c. [2] It is believed this refers to the CALTON-HILL, probably at the place where Nelson's monument now stands. [3] Proved. [4] The Master-Gunner. [5] Ram-rods. [6] Rusted. [7] See Jul. 14, 1542 of these Extracts, &c. The other entries referring to this important building were merely payments to account; but they possess no interest otherwise than as viewed in connexion with a work of national utility.

CRIMINAL TRIALS
AND OTHER PROCEEDINGS BEFORE THE HIGH COURT OF JUSTICIARY.

Slaughter of the Laird of Keir.

Jan. 5, 1542-3.—DAVID SCHAW found ſurety (Johne Ker, ſon of Andrew Ker of Fernyhirſt) to underly the law at the next Juſtice-aire of Stirling, for art and part of the cruel Slaughter of SIR JOHN STRIUELING OF KERE, KNT.—Alexander Schaw of Sauchy bound himſelf to relieve Ker; and Alexander, brother of David Schaw, obliged himſelf to relieve both of them of their cautionry.

Slaughter of the Laird of Auchinfranko.

Jan. 11.—JOHN MAKNACHT OF KILQUHANNITE (being then at the horn) found ſurety to underly the law at the next Juſtice-aire of Kirkcudbrycht for art and part of the cruel Slaughter of WILLIAM SINCLARE OF AUCHINFRANKO.—(Apr. 17, 1543.) Andrew Herys, brother of William Lord Herys, became ſurety for his appearance to anſwer for the ſaid crime.

Caution for Lord Glammis—Lady Glammis's Treason, &c.

[THE incidents connected with the Cases of JONET LADY GLAMMIS, and JOHN LORD GLAMMIS, her son, have already been treated of so fully, in a former part of this Collection,[1] that it is unnecessary to recapitulate in this place. It is proper, however, that the reader should bear in mind, that LORD GLAMMIS's Forfeiture was afterwards openly rescinded in Parliament, Mar. 15, 1542,[2] and that his lordship was restored to his dignities, lands, &c. The reasons assigned are too remarkable to be omitted in the present Collection. They were as follows. 'BECAUS, þe ſaid pretendit proces, Act of Adiornale, and Sentence of Forfaltour, was led and gevine be vertu of þe ſaid Lordis CONFESSIOUN, maid be him be juſt dredour and for feir of his lif: Quhilk dredour mycht fall[3] in ane conſtant man;[4] becaus þe ſaid JHONE LORD GLAMMIS was preſonit in þE CASTELL OF EDR, deſtitute of all conſale of his frendis, and preſentit to þe Pynebaukis,[5] ſeand vþeris of perſite aige and ſtark[6] of perſoune put on þe ſaid Pynebaukis; and he beand þair ſcharplie examinat, for dredoure (and) preſoning of his body, maid þe ſaid pretendit Confeſſioune. Be vertu of þe quhilk Confeſſioune, na vþer ſufficient probatioune beand led, þe perſonis þat paſt vpoune þe ſaid Aſſiſe fand, and deliuerit as is abone writtine, and geve þe ſaid pretendit Sentence, in maner forſaid. AND als, becaus the ſaid pretendit Confeſſioune, be vertu of þe quhilk þe ſaid pretendit proces, Act of Adjornale, and Sentence of Forfaltour was led, þe ſaid Confeſſioune was maid be þe ſaid Jhone Lord Glammis in his minorité, nocht knawand þe perrale þat was to follow þairupoune, and without þe auctorité and conſent of his Curatouris, þai nocht beand callit for þair enteres þairto, as þai aucht to haif bene, of þe law. AND

[1] See. [2] Vid. *Acta* Parl. II. 422. [3] Occur, happen. [4] A Guiltless or innocent person, 'a true man,' even though he were by nature a person of firm purpose. [5] The RACK, *for Torture.* [6] Strong

als, þe ſaid Lord Glammis was fraudfullie induſit be vmq^le THOMAS SCOTT, JUSTICE-CLERK, and vþeris familiaris to our ſaid vmq^le (ſouerane lord), to mak þe ſaid pretendit Confeſſioune, ſayand to him, þat his lif, landis, gudis, movabill and vnmovabill, ſuld be ſaif to him; and þat na proces nor Sentence of Forfaltour ſould be led aganis him; howbeit he maid þe ſaid Confeſſioune, as wes clerlie and ſufficientlie previt befor my ſaid Lord Gouernour, and thre Eſtates forſaid, be þe Depoſitionis of diuerſe famouſe[1] Witneſſis, fworne and examenit in faice of Parliament.']

Jan. 18.—JOHN LORD GLAMMYS[2] and GEORGE LYOUNE,[3] his brother, 'now being in Warde within þe Caſtell of Edinburghe,' found ſurety that they 'ſall obſerue and keip þare Warde within þe burghe of Edinburghe, and tua myle about þe ſamyn, and nocht evaid nor brek þe ſamyn, quhill[4] þai haue ſpeciale Licence and command of þe Lord GOVERNOUR, vnder þe pane of X^m markis.' —Their cautioners were Robert Dowglaſs of Lochlevin, Arch. D. of Glenbarvy, William D. of Bone-Jedburghe, and John Carmychaell of that Ilk.

Betoune of Capildra committed to Ward.

Mar. 9.—ARCHIBALD BETOUNE OF CAPILDRA found Sir Walter Scott of Branxhelme, kn^t, and James Dowglaſs of Drumlangrig, as his ſureties, in terms of the following Warrant:—

GUBERNATOR,

MY Lord Governour Ordanis ane maſer to paſs and charge ARCHIBALD BETOUNE OF CAPILDRA, þat he, within vj houris nixt eftir he be chargeit, paſs to þe TOVNE OF DALKEITHE, þare to remain in Warde,[5] vpone his avne expenſe, and ane myle about þe ſamyn, vnto þe tyme he be fred be ws: And þat he ſend na writingis to þis Tovne to na maner of perſonis, vndir þe pane of Treſſoune. SUBSCRIUIT with our hand, At Edinburgh, þe ix day of Marche, þe ȝeir of God I^m.V^c. and xlij ȝeris: And to fynd ſouirté for his remanyng in þe ſaid Tovne, and ane myle about þe ſamyn, vndir þe pane of iiij^m ti.

Wounding Mr Gawin Dunbar, Treasurer of Ross, &c.

Mar. 12.—MR MUNGO MONYPENNY, ARCHDEAN OF ROSS, found ſurety (David Berclay of Cullerny) to underly the law at the next Juſtice-aire, for art and part of the Oppreſſion done to MR GAWIN DUNBAR, TREASURER OF ROSS, coming upon him, in company with Robert, Biſhop of Roſs, and his accomplices, in the Cathedral Church of Roſs; and laying hands upon him, and cruelly Wounding him, to the effuſion of his blood.—Michael Gudlad, dwelling with the Biſhop of Roſs, alſo found caution to anſwer for the ſame offence.[6]

Oppression—Besieging the Place of Frendraught—Wounding, &c.

Mar. 15. — ALEXANDER LESLIE, YOUNG LAIRD OF WARDERIS,

[1] Reputable, of good fame. [2] On the margin, 'DELETUR de mandato domini GUBERNATORIS, per ſuum Preceptum, ſub ſua ſubſcriptione manuali.' See the Trials of LADY GLAMMIS and JOHN LORD GLAMMIS, &c., I. * 187, 198. [3] No mention is made of this individual in the Peerages. [4] Until. [5] On Mar. 20, 1542-3, he found surety to 'paſs and remane in Warde within þe Scherefdome of Fiffe.' [6] SIR THOMAS HAISTY, Monk of Bewlie, (then at the horn,) found caution to underly the law at the next Aire of Inverness, for the same crime, and for Stouthreif of certain goods from Mr Gawin Dunbar.

George Crechtoun of Conze, and *ſixty-eight* others, found caution to underly the law, at the next Juſtice-aires of Aberdeen and Banff, for Convocation of the lieges, armed in warlike manner, in great numbers, coming to THE PLACE OF FRENDRAUCHT, belonging to William Crechtoun of Frendraucht, and expelling and beating his ſervants, Mutilating Martin Abirnethy and John Roſs in their left hands, and cruelly Wounding John Lemman, William Smythe, and Alexander Abirnethy, to the effuſion of their blood, &c.

Convocation, &c. at Frendraucht — Slaughter.

Mar. 15.—WILLIAM LORD ABIRNETHY OF SALTOUNE, Alex. Abirnethy of Nathirdull, and *forty-four* others, found ſurety to underly the law at the next Juſtice-aire of Banff, for art and part of Convocation of the lieges, armed in warlike manner, with a great force, in ambuſh (*cum magno exercitu le* buſchment) in the houſes, out-houſes, and barns of the Place of Frendraucht, for the Slauchter of George Crechtoune of Conzie and James Crechtoune, being in the ſaid Place, for their Slaughter; AND for the Slaughter of Robert Crechtoune with a gun (*cum vno magonale lie* gwnne.)

Caution for Oliver Synclare of Petcarne.

Apr. 21, 1543, (*apud Palacium S. Crucis.*)—Gilbert Earl of Caſſillis became ſurety to enter OLIUERE SYNCLARE OF PETCARNE before the Governor, Lords of Council, or Juſticiar, whenever he ſhall be required, on premonition of xv days, to underly the law for certain crimes to be imputed to him.[1]

Fomenting jealouſies between the late King and his Barons, &c.

May 10.—MR DUNCAN MAY found Mr John Spenſe of Mariſtoun ſurety to underly the law, before the Juſtice, on Jul. 6, for Conſulting with and frequently giving falſe information to the late KING JAMES V, for the purpoſe of deceiving him; thereby occaſioning vehement ſuſpicions between him and his Earls, Barons, and lieges; and for cauſing in him great apprehenſion and fear for his Slaughter and deſtruction.—May 13. WILLIAM SMYTH, *alias Cheſman*, alſo found caution (James Lindeſay, falconer,) to anſwer for the ſame crimes.

Slaughter of the Rector of Kirkbride.

Jun. 17.—JAMES DOUGLASS OF DRUMLANGRIG found ſurety to appear

[1] 'NOTA—This Oliver Sinclair was favourite to KING JAMES V, who gave him the Command of the Army ag^t England, which offended the Nobilitie, and was the occaſioun of their defeat at SOLON or SOLLOWAY MOSS. It ſeems, after the KING's death, he was called to account, which is the common fate of favourites.'—*MS. Abr. of Books of Adjournal*, Adv. Library, M. 5. 14. The reader will find numerous notices of this perſonage in the *Appendix* to this reign.

on Jul. 24, to underly the law for art and part of the Slaughter of Mr Hector Sinclare, Rector of Kirkbride.

Stabbing with knives in a fenced Court — Convocation, &c. — Sedition — Bearing a Standard called 'the Haly Gaist.'

Aug. 17.—MUNGO TENENT, burgeſs of Edinburgh, Francis his ſon, and thirteen others, citizens of Edinburgh, found high caution (from 1000 to 500 merks each, according to their ſeveral ranks) to underly the law before the Juſtice on Oct. 10, for 'þe contemptioune done to þE QUENIS grace autorité, in drawing of knyffis in þe ſaid Tolbuthe, vpon þe . . day of Auguſt inſtant, in ane defenſat Court, in preſens of þE PROVEST and BALLIES of þe ſaid Burghe, ſittand for þe tyme in jugement, inuading and hurting ilkane vþeris[1] for þare ſlauchter: And for Seditioune, with Conuocatioune of our ſouerane lady þE QUENYS liegis, maid within þe ſaid burcht, with ane diſplayit anſenȝé,[2] quhilk þai call þE HALY GAIST: And for þe contemptioune of my lord GOVERNOURIS command and charge, he being þair preſent in propir perſoune, gevin to þame be Johne Cob, meſſinger, at my ſaid lord GOVERNOURIS command.'

Caution for Dean Forman of Holyroodhouse — Heresy.

Nov. 3.—'DENE WILLIAME FORMAN, Chanane of Halyrudehouſe,' found ſurety, 'vndir þe payne of I^m li., þat he ſall vpone þe xv day nixt eftir þe day of þe date hereof, paſs and enter his perſone agane in Warde within his chalmer within þe Palice of Halyrudehouſe, quharein he wes in Warde of before; and remane þairin, as in Warde, vndir þe ſaid payne.—(Nov. 17.) Caution found of new to enter upon Dec. 6 next, under the ſame penalty. There is a Note on the margin, '*Deletur, quia poſuit eum in manibus* DOMINI CARDINALIS, *in cuſtodia.*'

Caution to return to Ward when required.

Dec. 28.—ANDREW JOHNESTOUN OF ELPHINGSTOUN, 'now being in Warde of my lord Governouris command to remain within þe burcht and Chanongate and Portis þairof,' was allowed by Precept to depart home, provided he returned 'as in Warde, at quhat tyme or how ſone he ſalbe requirit be my lord GOVERNOUR þairto, vpone twa dais warnyng.' Caution found to the amount of 2000 merks.—(Jan. 19, 1543-4.) He was freely diſcharged.

Laird of Quhittingeame freed from Ward.

Jan. 19, 1543-4.—WILLIAM DOWGLASS OF QUHITTINGEAME relaxed and freed from Ward within the bounds of Edinburgh and Canongate, 'quhare he now remanis.'

[1] Each other. [2] Ensign; standard.

Abiding from the Raid of Glasgow.

Apr. 27, 1544.—John Young, in Lesswaid,[1] found caution to underly the law on May 10, for remaining from the Queen's Army for the recovery and besieging of the Castle of Glasgow,[2] held against her authority and the lord Governor's, by Mathew Earl of Leuenax and their accomplices, against the tenor of the Proclamations.

Escape of the Captain of Edinburgh Castle from Ward.

Nov. 4.—James Hammiltoune of Stanehouse, Captain of the Castle of Edinburgh, having been suffered to escape by John and George Tenent, they found Mr Alexander Levingstoune of Donyphace as their surety that they should underly the law for non-deliverance of the said Captain, and for putting of him to freedom, &c. in terms of the following Warrant.

Gubernator,

Johne Bannatyne, We haue caufit put furthe Johne Tenent and George Tenent furthe of þe Letteris, quhare þai wer chargeit to deliuer þe Capitane of þe Castell vndir þe pane of putting of þame to þe horne; quhilk process we discharge, because þai ar content to vnderly þe law for ony crime may be imput to þaim þairthrow. Herefor, ȝe sall ressaue sikker fouirté for þame to vnderly þe law þairfor, vpone xv dais warnyng. Subscriuit wt our hand, At Edinburghe, þe thrid day of Nouember, the ȝere of God Im.Vc.xliiij ȝeris. [James G.]

Abiding from the Raid of Gladis-muir.

Nov. 5.—John Suerd (Sword) and nine others found Alexander Bruce, younger of Erthe, as surety for them, that they should underly the law on Nov. 24, for abiding from the Queen's Army, at Gladismuir, on Oct. 4 last; each under the pain of 100 merks.

Treasonably assisting the Earl of Glencairn at Glasgow-muir.

Feb. 5, 1544-5.—Sir Andrew Heriot, Chaplain in Glasgow, found caution to underly the law at the next Justice-aire of Lanark, for treasonably coming with the Earl of Glencarne and his accomplices against the lord Governor upon the Common-muir of the burgh of Glasgow.—(Feb. 14.) He again found caution to the same effect.

Abiding from the Raid of Coldinghame and the West Marches.

Feb. 8.—John Craufurd of Giffertland and John Craufurd of Birkhede found surety (Colin Campbell of Ardkinglas) to underly the law at the next Justice-aire of Air, for abiding from the Queen's Army along with the lord Governor at Coldinghame, for Besieging the Place thereof, and expelling the enemies of England furth thereof.—Alexander Thomsone, in Helys,

[1] Others are afterwards charged for the same offence.

[2] See numerous entries in the Appendix to this reign, in relation to this and all the other Raids.

found caution for abiding from the ſame Raid, to have met at THE WEST MARCHES. Several others called for the ſame offence.

Abiding from the Raids of Ancrum and Coldinghame.

May 18, 1545.—JOHN BLARE and Patrick his ſon, both then at the horn, found ſurety to underly the law for Abiding from THE QUEEN'S Armies at Alcrum (Ancrum), Feb. 27, and Coldinghame, on Dec. 31; and from other Raids.

Abiding from Ancrum-moss and Coldinghame.

May 29.—DUNCAN DRUMMOND and John D. his brother found caution (David Lord Drummond) to underly the law at the next Juſtice-aire of Dumbarton, for Abiding from the Army at Alcrum-moſs and Mure, and for Beſieging the Kirk and Steeple of Coldinghame.

Treasonably Assisting and Intercommuning with the English.

Jun. 8.—SIR DAVID NESBET, Chaplain, at the horn, found caution (Robert Broun of Blakburne) to underly the law at the next Juſtice-aire of Berwick, for art and part of treaſonably Aſſiſting and Intercommuning with our ancient enemies the Engliſh.

Slaughter of the Captain of Doune.

Jul. 3, (*apud Linlithqw.*)—JOHNE MORE, being then at the horn, found Robert Maſter of Grahame as ſurety for his underlying the law at the next Aire of Perth, for art and part of the cruel Slaughter of James Stewart, Captain of Doune.

Slaughter — Mutilation — Wounding.

Dec. 22.—WILLIAM MURRAY, (at the horn,) ſon and heir apparent of Wm M. of Romannos, John his brother, and . . . . . Thomſone, found ſurety[1] to underly the law at the next Aire of Peebles, for art and part of the cruel Slaughter of Sir Alexander Innes, (Chaplain); and for Aſſiſting in the Mutilation and Wounding of James Geddes.—(Jan. 21, 1545-6.) William Murray of Romannos found ſurety for the ſame purpoſe.—(May 20, 1547.) The Laird of Romannos again found caution to underly the law for the ſame crime, and for the Slaughter of Sir Martin Ewmond, (elſewhere called 'Newman,') alſo a Chaplain.

Raid of Dumfries for Besieging Lochmabane Castle.

Jan. 21, 1545-6.—JOHN PERESOUN, in Petdinny, found John Strang, younger of Balcaſky, ſurety for his underlying the law at the next Aire of Perth,

[1] Sir Walter Scott of Branxholme, kn^t, Patrick Murray of Fawlahill, *alias* of Philiphalche, and Alexander Tayt of Pyrne, were his cautioners.

for abiding from THE QUEEN's Army aſſembled by the GOVERNOR at Drumfreiſe, for Beſieging and recovering the Caſtle of Lochmabane.

Slaughter of the Laird of Glorat's Brother.

Mar. 3.—JOHN SYMPILL OF FOULWOD, and John S. his ſon and heir apparent, Robert S. of Nobilſtoune, and William his brother, and three others, found caution[1] to underly the law, at the next Juſtice-aires of Dumbarton and Renfrew, for art and part of the cruel Slaughter of Walter Striueling, brother of George Striueling of Glorat.

Caution for the young Laird of Calder.

Mar. 29, 1546.—JOHN SANDELANDIS, ſon and heir apparent to Sir James S. of Calder, kn^t, found ſurety (James Foreſtar, young Laird of Corſtorphin, Alex. Lauder of Haltoune, Robert Douglas of Pumfraſtoune, Robert Mowbray of Bornbowgall, John Pennycuke of that Ilk, and George Preſtoune of Cragmelour) for his entry within the Caſtle of Edinburgh, upon twenty-four hours warning, under the pain of 10,000 li.; and that he 'ſall remane in Warde, in þe mene tyme, in þe place of Corſtorphin Colege, tovne, and ȝardis þairof.'—This was afterwards deleted by command of the GOVERNOR, in terms of the following Warrant:

GUBERNATOR,

JUSTICE and Juſtice-Clerk, We grete ȝou weill. Forſamekill as our lonit JOHNNE SANDELANDIS, ȝOUNG LARD OF CALDOUR, fand ſouirté to entir in Warde quhenne euer we chargit him, vpoun xv dais warnyng, vnder grite panis: And now we haue gevin and grantit oure Letteris of Licence to þe ſaid Johnne to pas to þe partis of FRANCE, and þair remane ane certane ſpace, as þe ſaid Licence mair fullelie proportis. Theirfore, we faythfullie promittis to þe ſaid Johnne, that he ſall nocht be chargeit to entir in þe ſaid Warde, nor ȝit his ſouerteis ſalbe vnlawit for nonentre of him in Warde, quhill his returning and hame-cuming agane within þe realme of Scotland, and xl dais þaireftir. OURE WILL IS heirfore, and we charge ȝou, þat incontinent eftir þe ſycht heirof, ȝe mak ane Act in þe bukis of Adiornall of our promyſe and obliſſing aboue-writtine, maid be ws in maner foirſaid, anent þe ſaid Johnne and his ſouerteis, towart þe ſaid Warde; ſwa þat he or þai incur na danger for his nonentré in þe ſaid Warde, during þe ſaid ſpace: Providing alwayis, þat þe ſaid Johnne eftir his hame-cuming agane within Scotland entir agane in Warde quhen he beis chargeit be ws, vndir þe pauis contenit in þe Act ellis[2] maid þairupoune, and his ſaid ſouerteis to ſtand to þat effect alanerlye;[3] and þe ſamin Act to haue na ſtrength during þe ſaid Johnnis remaning beȝond ſey,[4] bot alanerlie eftir his returning agane within þe realme of Scotland, as ſaid is. THIS ȝe do, as ȝe will anſuer to ws þairupoune; kepand þis writting for ȝour Warrand. SUBSCRIUIT with our hand, At Sanctandrois, þe xxix day of September, the ȝeir of God I^m V^c xlvj ȝeris. JAMES G.[5]

Assisting the Laird of Ormistoun and the young Laird of Calder to escape from Ward.

Mar. 29.—JAMES LAWSONE OF HIERIGGIS, and two others, found cau-

[1] Allan Lord Cathcart and John Blare of that Ilk. [2] Already. [3] Alone, only. [4] Beyond sea. [5] From the Original, preserved among the Warrants of Court.

tion to underly the law for art and part of the affiſtance afforded to William Cokburne of Ormiſtoune and the young Laird of Calder, in breaking their Ward furth of the CASTLE OF EDINBURGH.

Treasonable Fire-Raising — Stouthreif, &c.

May 31.—JAMES GALL, Thomas Thrift, and Sir James Thrift, Chaplain, found caution (Archibald Douglas of Kilſpindie) to underly the law, at the next Aire of Perth, for treaſonable Fire-raiſing, and Burning the houſes and dwelling-place of Alexander Skrymgeour of Balbegys: AND for Burning Jonet his daughter: AND for Stouthreif of his Title-deeds and goods, &c.

Slaughter of the Laird of Culzeane.

Jul. 8.—ANDREW LUFE (Love,) being at the horn, found ſurety to underly the law, at the next Juſtice-aire of Air, for art and part of the cruel Slaughter of JOHN KENNEDY OF CULZEANE.

Abiding from the Raid of Dumbarton.

Oct. 7.—PETER GAMMYLL, dwelling in Brayhede of Corſehill, being at the horn, found caution to underly the law at the next Juſtice-aire of Air, for Abiding from the QUEEN's Army, convened by the lord GOVERNOR at the burgh of Dumbarton, for Beſieging and recovery of the Caſtle thereof.

Deforcing a Messenger-at-arms.

Jan. 13, 1546-7.—JAMES ORMISTOUNE OF THAT ILK found William Linlithgw of Drygrange as ſurety for him that he would underly the law, at the next Juſtice-aire of Roxburgh, for Deforcing James Sandelandis, Meſſenger-at-arms, in execution of Letters purchaſed by John Abbot of Jedburgh; and for Seizing and Tearing of the ſaid Letters.

Abiding from the Raid of Saint Andrews.

Feb. 28.—JAMES BARTILMO, in Curry, found caution to underly the law, on Mar. 15, for contemptuously Abiding from the Queen's Army, contrary to the Proclamation, ordaining the inhabitants of Lothian to convene at SAINT ANDREWS, for Beſieging and recovering the Caſtle of Saint Andrews.

Slaughter of the Baron of Tulymet.

Mar. 1.—JOHN CHARTERIS OF KINCLEVIN, John and David Charteris, brothers-german of Thomas C. of Kynfawnis, John Cochrane younger of Petfour, and four others, found the Laird of Kynfawnis as ſurety for their underlying the law, on Mar. 15, for the cruel Slaughter of John Ayſoune, baron of Tulymet.—THE LAIRD OF KYNFAWNIS and five others, along with David

Chalmer of Seggydene, and Thomas his ſon and heir apparent, also found caution to underly the law for the ſame crime.

Casting down and breaking an Image of Saint Magdalene.

[It may seem surprising to many readers, that so few instances occur in the Criminal Records, of proceedings against such of the early Reformers, in Scotland, as in their furious zeal defaced and overthrew so many splendid Religious Houses. In the Appendix to this and the preceding Reign, however, the reader will find many interesting notices, which have been obtained from other authentic sources, unnecessary to be recapitulated in this place. Among others which might easily be cited, the following is so remarkable, that the Editor thinks it an apt illustration of the spirit of individual Reformers, some of whom were, from constitutional timidity and other causes, compelled to recant; but afterwards, even in the face of tortures and the cruelest death, adhered to the Reformed faith. The tyrannical but vigorous manner in which the Popish clergy dealt with the first outbreakings of 'the Heretics,' as is already familiar to all, was unable to quench the faith of those good men; to whose fearless exertions, under God, we mainly owe the religious freedom which this country presently enjoys. The reader may refer, with advantage, to *Dr M'Crie's* last (5th) Edition of the Life of John Knox; where, in the Appendix to Vol. I., he gives many interesting particulars of the 'Scottish Martyrs.'

'Walter Steuart, brother to *Andrew Stewart Lord of Ochiltrie,* was accuſed before Bischop Dumbar of Glasgow, in Marche (1533), for Casting Doune ane Image in the Kirk of Aire. He recanted his oppiniouns, after long dealling with him. Bot in his returning hame, he drouned in the Watter of Calder; ſo that, falling from his horſe, none could reſcue him. At lenth, getting hold of a great ſtone in the watter, he cried to his frinds and exorted them that they (ſhould) take example by him not to redeeme life by recanting of the truthe; for experience there proved it would not be ſure. He proteſted he was there to die in the truth which he profeſed; and that being ſorie for his recantatioun, he was aſſured of the mercie of God, in Chriſt. He willed them to remember this work of God to their oune proffit. Being overcome and drawne from his grip of the ſtane, (he was) drouned, notte being able to reſcue him in the deep whither he was caried. Howbeit the watter was not deep quhair he firſt fell. *George Guide,* one of the cheeff Clerks of the Colledge of Judges in Edinbrugh, riding behind him upon the ſame horſe, was ſaved.']

Mar. 16.—Stephen Bell found Robert Mowbray of Bernbowgall as ſurety for his underlying the law on Mar. 29, for Caſting down and Breaking an Image of Saint Magdalene, within the Chapel of the town of Lany; and for other crimes contained in his Letters.

Abiding from the Raid of Lawder.

Mar. 25, 1547.—William Brown, and forty-ſeven others, (all at the horn,) found Sir Neil Montgomery of Langſchaw, kt, as ſurety for their entry to underly the law, at the next Aire of Lanark, for Abiding from the Queen's Army convened at Lauder, in Sep. 1545, for reſiſting our ancient enemies the Engliſh; and for other crimes contained in their Letters.

Assythment for Mutilation referred to the Treasurer.

Mar. 26.—Thomas Kennedy of Knokdaw, and David and Fergus

his ſons, found Sir John Lawmond of Innerynne, knt, 'that þai for þame ſelffis and þair complices ſall aſſythe, ſatefy, and pleiſe *Robert Cathcart of Carletoune*,[1] for þe Mutilatioune committit be þame vpoune him; and alſe ſall pleiſe þe Lord of Bargany in all behalffis, and his rycht, actioune, and interes in þe premiſſis, as my lord of Dunkeld, Theſaurer, ſall pleiſe to modefy, vndir þe pane of ane thouſand pundis: Quhilk modeficatioune ſalbe inſert in þe bukis of Adiornale, and to haue þe ſtrength of ane Act þairof.'[2]

Barbarous Slaying of Cattle—Destroying two Houses, &c.

Jul. 24.—ALEXANDER CUMMYNG OF ALTER found ſurety (John Earl of Sutherland) for his entry; and he became cautioner for John and Hugh C. his ſon and brother, and ten others, to underly the law on Aug. 9, for art and part of cruelly Cutting the backs of eleven oxen and cows with their ſwords, and thereby ſlaying them, belonging to Alexander Vrquhard of Burriſȝardis: AND for caſting down and deſtroying two houſes built on his ſaid lands.—(Aug. 1, *apud Sanct Androis.*) Continued to the Aire of Elgin, for the above and other crimes of Oppreſſion, &c.

The Laird of Dalhoussy to remain in Ward, &c.

Feb. 5, 1547-8.—NYCHOLACE RAMSAY OF DALHOUSSY found caution to the amount of 10,000 merks, that he 'ſall remane in Waird, in ſic place as my Lord GOUERNOUR ſall command him to, and nocht depairt furth of the ſamin, without his Licence had and obtenit þairupoune.'—John Lord Borthuik, John Cranſtoune of that Ilk, Andrew Johnneſtoune of Elphinſtoune, Eduard Sinclare of Drydene, and John Ramſay of Hawis were his ſureties, whom George his ſon and heir apparent bound himſelf to 'freithe, releif, and keip ſkaithles.'—Mar. 4. He found caution of new[3] to remain in Ward 'within þe boundis of Fife, induring my Lord GOUERNOURIS will: AND þat his ſone and air ſall keip þE HOUSE OF DALHOUSSY fra all inyureis, ſalang as poſſibill is; and ſalbe reddy and obedient to my lord Gouernour, as he ſall pleiſe command and charge; and þat he ſalbe reddy to ſerue my ſaid lord Gouernour with all his folkis, freindis, and tenantis, quhen he beis requirit: And þat þe ſaid Nycholl ſall entir agane in Waird within þe Caſtell of Edinburghe or Blaknes, within thre dayis nixt after he be chargeit þairto, be our ſouerane lady, my lord Gouernour, or þair Letteris.'

Stealing a Gold Chain, &c.

Mar. 15.—JOHN CARKETTILL OF FYNGLENNE found caution to underly

[1] See May 10, 1549. [2] Richard Maitland of Lethingtoune, John Sinclare of Herdmanstoune, and James Herrot of Trabroune, became bound to the extent of 1000 li. each. [3] See May 10, 1549.

the law, on Apr. 14, for Stealing a gold chain and ſilver girdle from Johan Richertſoune, relict of John Mauchane, burgeſs of Edinburgh, furth of her houſe in Edinburgh, in February laſt.—Continued to May 15.

Assisting the Rebels in Castle of Saint Andrews.

Mar. 24.—John Castaris, citizen of St Andrews, found caution to underly the law at the next Juſtice-aire of Fife, for Aſſiſting the Rebels in the Caſtle of Sanctandrois,[1] and being in company with them; and for other crimes contained in his Letters.

Abiding from the Raid of Portincraig.

Mar. 26, 1548.—Mr John Arnot, burgeſs of Edinburgh, found caution to underly the law for Abiding from the Army of Portincraig, for reſiſting our ancient Enemies the Engliſh.

Detaining the House of Scrabister — Seizing the Fruits and Teinds of the Bischoprick of Caithness, &c.

Mar. 30.—Robert Bishop-Elect of Caithness,[2] Sir John Matheſoune Chancellor of Caithneſs, Hercules Barculay Rector of Canniſby, and three others, found George Earl of Errol ſurety for their underlying the law on Apr. 30, for Stouthreif, taking and detaining from Mr Alexander Gordoune Poſtulate of Caithneſs,[3] the Houſe and Place of Scrabiſter: And for ſeizing upon the fruits, teinds, and other emoluments of the Bishoprick of Caithness: And for breaking the Queen's Protection granted to the ſaid Mr Alexander, his ſervants and tenants of the ſaid Biſhoprick.

Treasonably Assisting the English.

Apr. 14.—George Hoppringill of Torwodlie found ſurety to underly the law on May 29, for treaſonable Aſſiſtance afforded to our ancient enemies of England, giving and taking Aſſurance from them; and for other crimes contained in his Letters.[4]

[1] Numerous notices of Remissions, &c., to individuals for their adherence to the Master of Rothes, Kirkcaldy of Grange, and others, implicated in detaining the Castle of St Andrews against the royal authority, and for the Murder of Cardinal Beaton, will be found in the Appendix to this reign. [2] He was brother to the Earl of Lennox, but never was in Priest's orders. Owing to the part he took with his brother against the Earl of Arran, Governor of the kingdom, he absconded with him. Having embraced the Protestant faith, he afterwards got a gift of the Priory of St Andrews—succeeded to the Earldom of Lennox in 1576, which in 1579 he resigned to his grand-nephew, Esme Stewart Lord D'Aubigny; and subsequently obtained for himself the title of Earl of March.—See *Douglas's* Peerage, *Keith's* Bishops, &c. [3] Son of George Earl of Huntly. [4] On Oct. 9 following, Cuthbert Cranſtoun of Maynis found caution for the same offence, and several others were summoned. Many other instances may be found in the Appendix to this reign.

Abiding from the Raid of Langholm.

May 30.—GILBERT LAW, in Eifter Ogill, found caution to underly the law at the next Aire of Forfar, for his contemptuoufly Abiding from the Queen's Army at Peebles, Jun. 30 laft, for Befieging and recovery of the Houfe and fortalice of Langholme, taken and detained by our ancient enemies of England.

Assisting the English — Keeping the House of Bukcame.

Jun. 5.—ROBERT HOPPRINGILL OF BLYNDLEY, and five others, found the Laird of Torwodley as furety for their underlying the law at the next Aire of Selkirk, for treafonable Affiftance, giving and taking Affurance with our ancient enemies the Englifh, and keeping the Houfe of Bukcame (Buckholm ?) belonging to James Hoppringill of Tynnes, and pafturing the lands thereof.

Treasonably Assisting the English.

Jun. 20.—CUTHBERT CRANSTOUN OF DODDIS found George Lord Hume furety for himfelf, Cuthbert Howlatfoune, and fourteen others, to underly the law on Jul. 31, for treafonable Affiftance given to our ancient enemies the Englifh.[1]

Abiding from the Raids of Langholm, &c.

Aug. 13.—JOHN STRATHAUCHIN, in Kincragy, (at the horn,) found caution to underly the law at the next Aire of Aberdeen, for contemptuoufly Abiding from the QUEEN'S Armies convened at BIGEAME (Birgeame), LANGHOLM, SANCTANDROIS, and HADINGTOUNE, for refifting our ancient enemies the Englifh, and for defence of the kingdom.

Caution for the Laird of Lethingtoun.

Aug. 14.—RICHARD MAITLAND OF LETHINGTOUNE found George Lord Seytoune, as his furety, that he would enter within the Caftle of Edinburgh, or elfewhere, when and where it might pleafe the lord Governor, on forty-eight hours warning: And that the faid Richard fhall remain a good and faithful fubject, and remain within the kingdom, and have no intelligence with our ancient enemies the Englifh—under the pain of 10,000l.

Keeping the Castle of Saint Andrews against the Queen.

Aug. 27.—JOHN SIBBET (at the horn) found Andrew Lundy of Balgony cautioner for his underlying the law at the next Juftice-aire of Fife, for art and part, along with Norman, formerly Mafter of Rothes, James Kirkcaldy of Grange,

[1] A number of others, persons of no note, found caution to answer for the same crime.

and their accomplices, in detaining the Caſtle of St Andrews againſt the Queen and Governor and their authority.[1]

Abiding from the Raid of Gladismuir.

Nov. 21.—JAMES ASCHYNNANE in Elyok (at the horn) found ſurety to underly the law, at the next Aire of Kirkcudbrycht, for Abiding from the QUEEN'S Army, ordained to convene upon the Muir of Gladiſmuir, Aug. 20 laſt.

Abiding from the Raid of Muſſilburgh.

Nov. 21 and 30.—MATHEW DOUGLAS, YOUNG LAIRD OF MANIS, found John Cragingelt of that Ilk, and ROBERT MONTGOMERY of Makbehill, and John M. found Gilbert Earl of Caſſillis ſurety for their underlying the law at the Juſtice-aires of Dumbarton and Air-Douglas; viz. for abiding from ſeveral Armies of the Queen, and the other parties for abiding from the Army appointed to convene at Muſſilburgh. They were all at the horn, and caution was allowed to be received, for their appearance, by Warrant of the Privy Council.

Profeſſing the Doctrines of the Reformation — Alleged High Treason — Case of Judicial Murder.

[AMONG the too frequent instances of JUDICIAL MURDER, which unhappily disfigure our early Scottish Annals, the Case of SIR JOHN MELVILLE OF RAITH is perhaps one of the most remarkable, although the circumstances have been hitherto but little known. *Knox* and *Buchanan* are the only early Historians who take any notice of this Case; but even they have barely related the fact of his execution. It is not improbable, that the particulars having been matter of notoriety in their days, they had, on that account, deemed it unnecessary to enter very minutely into the details,[2] which would doubtlessly be fresh in the memory of all their contemporaries. In this manner, much valuable information has, in many instances, been irretrievably lost to posterity, through the author's fear of being accused of prolixity in rehearsing events which every one was then presumed to know as well as himself.

The Editor having had the original of the following interesting GIFT, dated Feb. 12, 1562-3, pointed out to him by *Thomas Thomson, Esquire,* Deputy Clerk Register of Scotland, he felt so much interested in the apparent iniquity of the death and forfeiture of this virtuous man, as to be induced to make a pretty extensive enquiry into the facts attending his Trial, of which, however, no traces are now to be found in the mutilated and imperfect Criminal Records of that period.

The truly learned and indefatigable *Dr M'Crie,* in his illustrations of the History of the Reformation[3] in Scotland, after commenting on the rigorous and tyrannical conduct of THE REGENT ARRAN, and his brother *the Archbishop of St Andrews,* against those Barons and gentry who were the most distinguished favourers of the Reformed opinions in Religion, states, that, instead of attempting to prosecute them for Heresy, they rather preferred to bring them to Trial for alleged crimes against the State. Among others who were banished, and had their estates forfeited, he instances *Cockburn of Ormiston* and *Crichton of Brunston;* and he then shortly notices the present case, thus—'SIR JOHN

[1] On Sep. 12, 1548, SIR JAMES AUCHINLECK found John, Master of Glencairn, as surety for him to underly the law for the same crimes—and others also were charged from time to time. Reference may likewise be made to the Appendix, where numerous other instances will be found.

[2] See *Knox's* Historie, p. 82; *Buch.* I, 302.

[3] *Dr M'Crie's* Life of John Knox, (*third* Edit.) I, 164.

MELVILLE OF RAITH, a gentleman of distinguished probity, and of untainted loyalty, was accused of a traitorous connexion with the enemy; and although the only evidence adduced in support of the charge was a Letter written by him to one of his sons then in England, and although this Letter contained nothing criminal, yet was he unjustly condemned and beheaded.'

Bishop Leslie, and others of our Historians and Chroniclers, are entirely silent on the subject; but fortunately several MS. authorities concur in the accounts which they have respectively given of this disgraceful tragedy. According to the Editor's usual plan, he begs to lay these before the reader, as the best mode of enabling every one to form an impartial opinion, from contemporaneous or early sources.

The first authority which shall be cited is that of *Johnston's MS.*,[1] where the subject is thus introduced:—' THE Slauchter of WILLIAME LORD CREICHTOUN, ane Baroun of Parliament, was as the *fiyſt* preſaidge of their[2] futur tyrrannie, quho was ſlayne in THE GOUERNOURIS awin Hous, almaiſt in his awin ſicht, be ROBERT SEMPLE; bot the committer of the Slauchter was exeamed be interceſſioun of *the Biſchopis* harlot, quho was *Semple's* dochter. *The Archbiſchop*, in the lait KINGIS lyftyme, maid profeſſioun of the pure Religioun to thoiſe quhom he moiſt truſtit; bot, eftir his death, he ran heid-longis in all kynd of vyce. Amangis many wtheris his harlotis, he interteayned this Harlot *Semple*, nather bewtifull, of gude fame, or wtherwayis in any ſort notable, except his awin kynſman, and followed him as ſcho had bene his lauchfull wyffe. The *ſecund* was the death of JOHNNE MELUILL, ane nobill man of Fyff, quho was ane of THE KINGIS moſt familiaris, quhois Lettres ſend and writtin to ane certane Engliſman, recommending vnto him ane freind of his, takin Preſſoner, war interceptid. Althocht þair was no ſuſpitioun of any crime conteaned in thame, ȝit (was) the wrytid Lettre and wrytter þairof harlid to judgment. His laudis gewin to DAUID (HAMILTON), the Gouernouris ȝounger ſone, maid the puniſchment moir filthie. The arme of theiſe infamous deidis twitchid bot a fewe, the invy many, bot the example perteneit almoſt to all.'

The next authority is that of *Anderson's MS.*, the author of which narrates the event in these terms:—' IN this meantyme[3] (but others writ þat it was the Winter before) did þe LARD OF RAITH moſt innocentlie ſuffer, and after was forfalted, becauſe þat he writ a Bill to his ſone, *John Melvin*, who then was in England, which was alleged to have been found in þe HOUSE OF ORMESTON.[4] But many ſuſpected þe prankes and craft of one REINȜEAN COKBURNE, now ſince called CAPTANE REINȜEAN, to whome þe ſaid Letter was delivered. But howſoever it was, þe cruell beaſts, *the Biſchop of Sant Andrewes* and *the Abbot of Dumfermeling*, ceaſſed not till þat þe heid of the Gentleman was ſtricken frome him; eſpeciallie, becauſe þat he was knowen to be one þat vnfaynedlie favoured þe trewth of GODIS word, and was a great freind to thoſe þat were in þe CASTELL OF SANT ANDREWES, of whoſe deliverance, and of GODIS wonderfull working with them during þe tyme of þair bowndage, we may now ſpeak, leaſt that in ſuppreſſing of ſo notable work of GOD we mycht juſtlie be accuſed of ingratitude.' &c.

Calderwood[5] likewiſe notices *Sir John Melvill's* murder in ſimilar terms.—' IN this year (*circa* 1550) JOHN MELVILL, LAIRD OF RAITH, in Fife, ane aged man, and of great accompt with KING JAMES V., was Beheaded for writing a Letter in favours of a captive to ane Engliſhman, his own Baſtard ſon,[6] as is reported, Priſoner for the time to the Engliſhman, to whom he recommended him. Although ther was not the leaſt ſuſpicion of any fault, yet loſt he his head. The letter, as was alledged, was found in THE HOUSE OF ORMISTONE. Manie ſuſpected the craft and prankes of *Niniane Cockburne*, afterward called *Captain Ninian*, to quhom the ſaid Letter was delivered. Howſoever it was, the cruell beaſts, the Biſhop of Sanct Andrews and the Abbot of Dumfermling,

[1] *Johnston's* MS. Hist. of Scotland, Adv. Library, chiefly compiled from Buchanan, &c. during the reign of King James VI. [2] The Regent and his brother. [3] Immediately after the taking of Broughtie Craig from the English. [4] On its being recovered out of the hands of the English Army. [5] *Calderwood's* MS. Church Hist., Adv. Lib. I. 308. [6] Referring to the captive, who was his natural son.

ceased not till the head of the Nobleman was stricken from him; especially, because he was knoune to be one that unfeignedlie favoured the truth. They were not content of his death, till that he was Forfaulted also, and his patrimonie bestowed upon *David Hammiltone*, THE GOVERNOUR'S youngest son.'

The following VERSES on the LAIRD OF RAITH'S EXECUTION, by *John Johnstone*,[1] may also be considered interesting by many readers, when viewed in connection with these desultory notices.

JOHANNES MALVILLUS, RETHIUS,

Nobilis Fifanus, Jacobo V. Regi, olim familiarissimus, summa vitæ innocentia, ob puræ Relligionis studium, in suspicione falsi criminis, iniquissimo judicio sublatus est, Anno Christi, 1548.

Quidnam ego commerui? Quæ tanta injuria facti?
Hostis ut in nostrum sæviat ense caput?
Idem hostis, judexque simul. Pro crimine, Christi
Relligio et sædo crimine pura manus.
O secla! O mores! Scelerum sic tollere pœnas
Ut virtus sceleri debita damna luat.

It only remains to mention, that there is some doubt with respect to the date of this event, as several of the preceding authorities class it with occurrences of the year 1550. The following quotations, however, from the LORD HIGH TREASURER'S ACCOUNTS, seem to fix it with tolerable precision.

'Dec. 3, 1548.—*Item*, Writtingis to þe Lairdis of Balmowto, Balwery, Petfyrrane, and to all þe Lairdis and Gentilmen of FYF,[2] to be heir, (in Edinburgh,) Dec. v^to^, vpoun þe LAIRD OF RATHIS ASSISE, ... xxij s. vj d.

'Dec 5.—*Item*, to Adame M^c^Cullo, Pursewant, send agane to FYF to summond ane Assise to the Laird of Raith: And to execute Summoundis of Tressoun vpoun þe Laird of Petmillé and Mr Henry Balnavis, to þe xxj day of Februar, ... xxxiiij s.'

The enquiring reader is referred to much interesting matter relative to the persecutions of the early Reformers, in *the last* Edition of *Dr M^c^Crie's* valuable work on the Reformation.[3]]

GIFT *by Mary, Queen of Scots, in favour of 'Johnne Meluile, son of vmquhile (Schir) Johnne Meluile of Rayth' (knycht), of all Reversions which belonged to his deceased father, previous to his Forfeiture.*

MARIE, be the grace of God, Quene of Scottis. To all and sindrie oure liegis and subdittis quhome it efferis, quhais knawlege thir oure Lettres salcum, greting. Witt ȝe ws to haue gevin and grantit, and be thir our Lettres gevis and grantis To our louitt, JOHNNE MELUILE, sone of vmquhile JOHNNE MELUILE OF RAITH, KNY^T^, his airis and assignais, all and sindrie Reuersiones, maid be quhatsumeuir personis to the said vmquhill *Johnne Meluile*, his fader, gudeschir, or ony vþeris his predecessouris, vpoune quhatsumeuir landis, annuelrentis, or vtheris rowmes and possessionis annaleit be thame or ony of þame, to quhatsumeuir personis, thair airis and assignais: Quhilk Reversionis pertenit to the said vmq^le^ Johnne, as his proper evidentis and heritable richtis, for redemptioune of

[1] *Johnstoni Heroes*, Lugd. Bat. 1603, pp. 28, 29. [2] There is another entry for summoning 'diuerse BARONIS OF LOUTHIANE.' [3] *Dr M^c^Crie's* Life of John Knox, *passim*, and especially the Note appended to Vol. I. of the *Fifth* Edition, respecting SCOTTISH MARTYRS.'

þe ſaidis landis, annuelrentis, rowmes, and poſſeſſionis, and now pertenis to Ws, and ar become in our handis, be reſſone of Eſcheit, throw þe pretendit DOME OF FOIRFALTOURE and Decreit led and gevin aganis the ſaid vmq^le *Johnne Meluile* ffor certane allegit crymes of Treaſoune, allegit committit be him, quhairof he wes convict and juſtifeit to the death: Like as, at mair lenthe, is contenit in ȝe ſaid pretendit Dome of Foirfaltoure and Decreit gevin aganis him thairupoune. TO BE HALDIN and to be hade all and ſindrie þe foirnemmit Reuerſions to the ſaid *Johnne Meluile*, his airis, and aſſignais, with all and ſindrie commoditeis, fredomes, proffittis, and richtius pertinentis quhatſumeuir, pertening, or richtiuſlie may pertene þairto. With power to the ſaid *Johnne Meluile*, his airis, and aſſignais, to redeme and quytout the ſaidis landis, annuelrentis, rowmes, and poſſeſſionis, fra the pretendit heritabile poſſeſſouris thairof reſpectiué, and all vtheris quhome it efferis, be vertew of þe ſaidis Lettres of Reuerſiounis, reſpectiué; and to vſe þe ſamyn to þat effect, ſiclike, and als frelie in all thingis as þe ſaid vmq^le Johnne Meluile micht haue done before þe ſaid pretendit Dome and Decreit of Foirfaltoure; and þe ſamyn being redemit and quitout, be vertew of þe Reuerſionis foirſaidis, We Ordane new Infeftmentis to be gevin to the ſaid *Johnne Meluile*, his airis, and aſſignais, off all and ſindrie Landis, annuelrentis, rowmes, and poſſeſſionis quhatſumeuir, alſwele haldin of Ws as of quhatſumeuir vtheris Superiouris thairof, within þis oure realme, nochtwithſtanding þe pretendit Foirfaltour foirſaid; and with all and ſindrie vtheris commodittis, fredomes, and priuilegis apertening thairto, ffrelie, quietlie, weale, and in peax, bot ony Reuocatioune, obſtacile, impediment, or aganecalling quhatſumeuir. QUHAIRFORE, We charge ſtraitlie and commandis ȝow, all and ſindrie oure liegis and ſubdittis foirſaidis, that nane of ȝow tak vpoune hand to mak ony impediment, latt, or diſtrublance to the ſaid Johnne Meluile, his airis, and aſſignais foirſaidis, in the peceable brouking, joiſing, vſing, intrometting, and diſponing vpoune all and ſindrie þe foirnemmit Reuerſionis, efter the forme and tennoure of þir oure Lettres, vnder all hieaſt pane and charge þat efter may follow. GEVIN vnder oure Priuie Seile, At Edinburghe, the twelff day of Februare, the ȝeir of God I^m.V^c. threſcoir twa ȝeiris, and of our reignne þe twenty ane ȝeir.

Per Signaturam manu S. D. N. REGINE *ſubſcriptum.*

Abiding from the Raid of Gladismure.

Apr. 13, 1549.—WILLIAM RUTHVENE OF BALLENDENE found William Lord Ruthvene as ſurety for his entry, on May 14, to underly the law for contemptuouſly Abiding from the Queen's Army ordained to convene at Gladiſ-

muir,[1] Aug. 20, laſt, for Beſieging the town of Hadingtoun, and for recovery thereof out of the hands of our ancient enemies, the Engliſh.

Slaughter of the Laird of Cuthilgurdy, &c.

Thomas Blare of Balthyok, and Thomas his ſon, John Moncur of Balluny, and nine others, found ſurety[2] to underly the law, on May 14 next, for art and part of the cruel Slaughter of Sir Henry Dempſtare, Chaplain, John Charteris of Cuthilgurdy, Richard Brown, Alexander Charteris, Alexander Gray, John Pullour, and Robert his ſon; and for all other crimes contained in their Letters.—Sir Robert Oistillare was replegiated by the Vicars-General of St Andrews; and Thomas Broun *alias Theif* was replegiated by Patrick, Biſhop of Murray, perpetual Commendator of Scone.

Murder of Ross of Craigtoun, Lady Ballunye, &c.

Thomas Charteris of Kynfawnis found ſurety[3] to underly the law, on May 14, for the cruel Slauchters and Murders of James Roſs of Cragtoune, Gilbert Moncreif, and Margaret Douglaſs Lady Ballunye; and for other crimes contained in his Letters.—(May 14.) Several others were likewise put to the horne, &c. for the ſame crimes.

Mutilation — Hurting and Wounding.

May 10.—David Kennedy, and Thomas his brother, ſons of Thomas K. of Knockdaw, were Reſpited for Mutilating Robert Cathcart of Carletoune[4] of his left hand, and Hurting and Wounding him in the face: And for Convocation of the lieges in Jan. 1546-7. Robert Maſter of Sympill became cautioner for ſatisfying the parties.

Slaughter.

May 13.—James Wod of Bonyngtoune delated of art and part of the cruel Slaughter of Mr Hugh Guthre.—Proved to be ſick. Richard Maitland of Lethingtoune became ſurety for his entry at the next Aire of Forfar.

Invading the Master of Sempill for his Slaughter.

May 27.—John Muir of Cauldwell, William, Archibald, Robert, Hector, and James Muir, his brothers, and twenty-ſix others, Convicted of Invading Robert Master of Sympill, and his ſervants, armed in warlike man-

[1] Andrew Schaw of Sornbeg got a Remission for his absence from another Raid at Gladismure, in September following. [2] William Moncreiff of that Ilk. [3] David Bruce of Kynnard.
[4] See Mar. 25, 1547, for farther particulars of this Case.

ner, near the Place and Tower of Cauldwell; and putting them to flight, for their Slaughters; committed of forethought felony, on Apr. 9. laſt.

Abſentes ab Assisa *Domini de Cauldwell, &c.*

Ninian Lord Roſs,	William Wallace of Ellerſlie,	The Laird of Luſs,
The Laird of Stanelie,	William Wallace of Johneſtoune,	George Buchquhannane of that Ilk,
Mathew Dowglas of Manis,	The Laird of Balvey,	James Mortoune of Walkinſhaw.[1]

Murder of two Pregnant Women — Stouthreif, &c.

May 28.—William Waldy, William Gracy, and James Fothringehame, Convicted of art and part of the cruel Slaughter and Murder of Helen Striueling Lady Ulliſhavin, ſpouſe of James Stratoune, and Jonet Sawlie, her ſervant, within the Place of Dullady; committed under ſilence of night, of forethought felony, on Apr. 24 laſt; the ſaid Helen and Jonet being pregnant at the time of the ſaid Murder: And alſo of breaking up the cheſts of the ſaid James Stratoune; and ſtealing and reiving, furth of the ſaid Place and cheſts, all the goods and jewels contained therein.—Hanged.[2]

Parricide — Murder of Lady Ullishaven.

May 29.—John Lichtoune of Vllishaven denounced rebel, and put to the horn, as fugitive from the law, for the Murder of the ſaid Helen Striueling, his mother, and Jonet Sawlie, her ſervant.

Supplying the English at Broughty-Craig, &c.

July 2.—Egidia Gray, ſiſter of James Gray in Buttirgaſk, put to the horn for not underlying the law for her treaſonable Intercommuning, reſet, aſſiſtance, and ſupply afforded to our ancient enemies the Engliſh, being in the fortalices of Bruchty-Craig and Brakan-hill.—(July 3.) Jonet Hume, relict of Andrew Gray in Dvnynalde, found John Hume of Coldenknollis as ſurety for her entry, at the next aire of Forfare, for the ſame crime.

Supplying the English at Lauder — Common Treason.

Jul. 18.—William Lauder, in Lauder, Convicted of the treaſonable Intercommuning, reſett, ſupply, and aſſiſtance given to our ancient enemies the Engliſh, being within the Fortalice near to the burgh of Lauder; continually furniſhing them with meat and drink, from the time of the building thereof, in the month of . . . 1547: And for leading and conducting the ſaid Engliſh to the foreſaid Fortalice, and other places at their will, to the ſpoiling, waſting, and deſtruction of the kingdom, and conqueſt thereof; revealing and ſhewing to our ſaid enemies the ſecrets of the kingdom: And ſpecially, for carrying and ſend-

[1] Each of these persons, along with the Laird of Craigbernard, was fined L.20. [2] See May 10, 1550.

ing Letters and close writings of Sir Hugh Willeby, and other Englishmen, within England and Scotland, in a treasonable manner: And for common Treason.—Beheaded.

Usurpation—Imprisoning a Messenger and Witnesses.

Aug. 13.—Thomas Mawle of Panmure, John and Robert his brothers, David his cousin, Henry Ramsay of Panbride, James Strauthauchin of Balwissye, and sixty-seven others, denounced Rebels, and put to the horn, for not underlying the law, for Convocation of the lieges to the number of 200 persons, armed in warlike manner, coming to the lands of Pannethy, belonging to Thomas Douglas and Elizabeth Liddale his spouse; and there, on Jun. 12 last, hindering the execution of a Precept of ejectment ordained to be executed against the Tenants; and cruelly invading the Officer and witnesses, and forcibly taking them captive to the Place of Panmure, and detaining them in prison, under captivity, Usurping thereby the Queen's authority.

Intercommuning with the English at Broughty.

Nov. 26.—Mr James Betoune denounced rebel, and put to the horn, &c. for not underlying the law, for treasonably going to the Fortalice of Bruchty, kept by our ancient enemies the English: And for Intercommuning, speaking, and treating with Sir John Luterale, Captain thereof, for the subversion and subjugation of the whole country adjoining the said Fortalice; Committed in the months of June, July, and August, 1548.

Abiding from the Host at Edgebuckling-brae, &c.

Nov. 28.—Robert Betoune of Creiche, and Michael Balfour of Burlie, became in Will for Abiding from the Queen's Army at Egebuklenebra,[1] on Sep. 5. last, convened for resisting our ancient enemies of England, and for defence of the kingdom: And for their retiring from the Army convened upon the Muir of Rosling, upon Oct. 20, before the expiry of the term assigned, without Licence obtained from the Governor; notwithstanding the Proclamation of Oct. 30. last, that no Baron nor Laird should retire therefrom, without special Licence.

Gubernator,

Justice Clerk and 3our deputis, we grete 3ou weill: Forsamekill as we haif

[1] *Hume of Godscroft*, in his History of the House of Douglas and Angus, quotes a fragment of a doggerel rhyme made upon the Earl of Argyle's expedition against the Earl of Angus (*Bell the Cat*), which was popular in his day. It mentions this place.

'The Earl of Argyle is bound to ride From the border of Edge-bucklin-bray,
And all his Habergeons him beside, Each man upon a sonke of stray.
They made their vow that they would slay,' &c.

Remittit, forgevin, and difchargit to our louittis ROBERT BETOUNE OF CREYCH and MICHAEL BALFOUR OF BURLE, þe Will in quhilk þai becom befoir our fouerane ladeis Juftice and his deputis, in þe Juftice Court haldin in þe Tolbuyth of Edinburᶜ þe xxviij day of November laft bipaft, for þair Remaning fra þe Raid diuifit to convene at Egebuchlenbray, þe fift day of September laft bypaft. QUHAIRFOR we charge ȝou, þat incontinent eftir þe fycht heirof ȝe deleit and put furth of þe bukis of Adiornale þe Act maid, quhair þe faidis perfonis becom in Will, as faid is: As ȝe will anfuer to ws þairupone; kepand þis writing to ȝour Warrand. SUBSCRIUIT with oure hand, At Falkland, þe xviij day of Februare, þe ȝere of God Iᵐ.Vᶜ.xlix ȝeris. JAMES G. JOANNES THEˢ.

Fire-raising, by a female, punished by Branding and Banishment.

Dec. 10.—ISSOBELLA M'FERLANE Convicted of art and part of treafonable Fire-raifing and Burning of the dwelling-houfe of Jonet Glafs, in Wefter Kirrewachter, on Sep. 1 laft, under filence of night, together with all the victual, cattle, and goods therein; thereby committing public Treafon and common Oppreffion.—SENTENCE. To be BRANDED on the cheek, and thereafter to be BANISHED from the ftewartry of Stratherne, under pain of Drowning.

Resetting a Traitor and Englishmen — Fire-raising.

Dec. 16.—WILLIAM NEWTOUNE OF THAT ILK, John his brother, and feven others, found caution to underly the law on Feb. 3 next, for Refetting Cuthbert Newtoune, Traitor, and feveral Englifhmen in company with him: AND for Burning the houfe of Mathew Dollace, in Over Saltoune, &c.

Intercommuning with the English at Broughty Castle.

Dec. 20.—JOHN LORD INNERMEITHE dilaited of treafonably going to the Fortalice of Bruchty, kept by our ancient enemies the Englifh, and Intercommuning and treating with SIR ANDREW DUDLEY, Captain thereof, for Fire-raifing and plundering the country and lieges.—David Mafter of Craufurd became furety for his entry, on Jan. 27 next.

The following perfons were amerciated for not appearing to pafs on this Affife, viz. JOHN LORD GLAMMYS, Symon Preftoune of that Ilk, Alexander Grahame, young Laird of Southfeild, the Lairds of Reftalrig, Sherefhall, Lundye, Kynfawnis, Lugtoune, Wauchtoune, and Carnok.[1]

Crimen Falsi — Interlining Signet Letters.

MARIOTA OGILUY, dilaited of Falfifying and caufing the interlineation of her Majefty's Letters, under the Signet, dated Dec. 3, anno regni 1 (1543), and for adding upon the margin of the conclufion thereof, 'William Murray his fpous,' and for ufing the fame Letters.

[1] Their names are not specially entered in the Record.

Absentes *ab Affifa Mariote Ogilvy.*

John Erfkin of Dvnne,
Symon Preftoune of that Ilk,
William Ruthvene of Ballindane,
James Crawmond of Auldbar,
George Falconar of Findowne,
Dauid Wod of Craig,
James Wod of Bonyntoune,
William Murray of Banheid,
The Laird of Inrichty,
John Scrymgeour, Conftable of Dundee,
Robert Sinclair of Litill Blair,
Dauid Gardin of Leis,
Alexander Wallein[1] of Wodwra,
. . . . Oliuer of Gagy,
The Laird of Balnamone,
William Sinclare of Myrefide,
The Laird of Reftalrig,
Patrick Hepburne of Wauchtoune,
The Laird of Carnok,
The Laird of Lundy,
The Laird of Lugtoun.

Jan. 27.—William Mafter of Craufurd, as furety, was amerciated for her non-appearance this day; and fhe was denounced Rebel, &c. and all her moveables were ordained to be efcheated.

Waylaying — Invasion — Oppression.

Mar. 3, 1549-50.—Margaret Hume, Prioress of North Berwick, was replegiated by the Official of St Andrews, within the Archdeanery of Lothian, to underly the law for the Waylaying and Invafion of Alexander Oliphant of Kellé (Kelly) for his Slaughter, and for other crimes of Oppreffion committed againft him and Alexander Gourlay of Kincraig.—Alexander Hume in (of) North Berwick became furety for her appearance at the Court of the faid Official, within the Collegiate Church of St Giles, (Edinburgh,) on Apr. 30 next.—Mr Alexander Wod, Vicar of North Berwick, was alfo replegiated.

Hamesucken — Oppressing the Prioress of North Berwick, &c.

Alexander Oliphant of Kelle (Kelly) amerciated for not entering Florimont Strang in Kellé, and five others, to underly the law, for art and part of the forethought felony, Hamefuckin, and Oppreffion done to Margaret Prioress of North Berwick and her fervants, coming to her lands of Grange, lying within the fhire of Fife, in the month of June laft, and befetting the way to the faid Priorefs and her fervants for their Slaughter; and befieging them within the Manfion-houfe of the faid lands. 'Deletur *de mandato domini* Gubernatoris *et* Thesaurarii, *per eorum Preceptum.*'—John Spens, John and Alex. Gibfoun, and John Sinclare, 'defyrit procefs, and þame to be put to þe knawlege of ane Affife; and þat na Affife wer fummond, nor na pairty compeirit to perfew þame for þe faidis allegit crymes, tuke inftrumentis, and proteftit for remeid of law.'—The Laird of Kelly, and twenty-one others, found Alexander Lindfay, Captain of Fynnevin, furety for their appearance, on Apr. 16, 1550.[2]

[1] Probably Vallene or Vallance.

[2] From the above notice, it would appear that the matter was compromised, through the interference of the lord Governor; but, on May 8, 1550, the Case was referred to the Justice-aire of Fife immediately following. John Blacater of Tullyalloune became cautioner for their entry.

Treasonable Fire-raising, &c. — Intercommuning with the English — Receiving English Pay — High Treason, &c.

Mar. 17.—RICHARD LATYMER OF THAT ILK Convicted of treasonable FIRE-RAISING and BURNING THE TOWN OF DURRISDEIR, in company with SIR HENRY QUHERTOUNE, (*Wharton*,) Englishman, and his accomplices, in the month of March 1547: ITEM, for art and part of treasonable Fire-raising and Burning of the lands of AUCHINCASSEL and TIBBERIS, in company with the said *Henry Quhertoune*, Englishman, and of art and part of the violent Stouthreif and 'Herefchip' of the poor Tenants of thefe lands, 'reiving' from them five thousand oxen, cows, and fheep, together with all their goods, utenfils, and houfehold ftuff, to the value of 3000 l. or thereby; committed in the month of December 1547: ITEM, for art and part of treafonable Fire-raifing and Burning the Town and lands of AMISFEILD, in company with the faid *Sir Henry* and his accomplices, Englifhmen; and for art and part of the violent Stouthreif and 'Herrefchip' of the poor Tenants of the faid lands, reiving from them 4000 oxen, cows, and fheep, and burning their whole grain; committed during the time of Autumn 1547: ITEM, for art and part of the treafonable Fire-raifing and Burning the houfes, grain, and victual of *William Wauch* at BRIGTOUNE, extending to the value of 300 merks, in Spring-time 1547-8: ITEM, for art and part of the Theft and concealment of xxiiij^{xx}[1] oxen and cows from *Sir James Douglas of Drumlangrig, knicht*, in company with THE BELLS and the Englifh, manifeft Thieves and Traitors, furth of the lands of KIRKHOIP; and driving the faid cattle to England, and there difpofing of them; committed in Summer 1549: ITEM, for art and part of the Theft and concealment of 80 oxen and cows from *John Johnftoune of that Ilk* furth of his lands, in company with the Englifh, leading the faid cattle to England, and there felling and difpofing of them, in time of Autumn 1547: ITEM, as a common Thief and Traitor, part-taking againft THE QUEEN and Kingdom of Scotland, and receiving daily pay from the Englifh; and fpecially, from THE WARDEN OF THE WEST MARCHES OF ENGLAND, during thefe times of War: ITEM, for common Theft, common Refett of Theft, Outputting and inputting, in a theftuous manner, between the Scottifh and Englifh: And for a common Traitor.

SENTENCE.—To be drawn to the Gallows and HANGED; And his body to be quartered: And that his heritages, lands, and poffeffions, and all his goods, moveable and immoveable, fhall be fforfeited and Efcheated to THE QUEEN, and applied to her ufe.

[1] Twenty-four score, or four hundred and eighty. This is perhaps one of the most atrocious cases of treasonable and wholesale robbery on record. It is mentioned, generally, in various of the Historians and Chroniclers, but as they give no new information, it has not been deemed necessary to make any quotations.

Purchasing high-priced French Wines.[1]

Mar. 21.—Robert Hathwy, John Sym, and James Lowrie, burgesses of Edinburgh, came in the Queen's will for breaking the Proclamation of Jan. 8 last, ordaining that none of the lieges shall presume to purchase 'Burdeous (Bourdeaux) wynis' dearer than 22 li. 10 s. for each 'tvne' (tun,) and 'Rochell wynis' dearer than 18 l. per tun; by purchasing 'Cunzeok (Cogniac ?) wynis' at 25 l. for each tun.—Twenty-one others are charged, of which number ten came in will, and were fined in sums ranging from 40 merks to 40 s.; six refused to find caution, and five were fugitive from the law, thereby incurring the pain of rebellion. A few others were replegiated to the Regality of Canongate.

Burning the Towns of Dalkeith and Newbottle — Treason, &c.

Mar. 24.—James Dewar, at that time a captive in England, found caution (James Lawson of Humby) to underly the law at the next Justice-aire of Edinburgh, for art and part of the treasonable Fire-raising and Burning the Towns of Dalkeith and Newbottill, in company with Sir James Wilfurd, General of Hadingtoun, and the English, in the months of . . . . . and December 1548; and for pursuing William Ewtoune (Newtoune) of that Ilk for his Slaughter; and for other crimes contained in his Letters.

High Treason — Oppression — Hamesucken — Fire-Raising

Mar. 24.—William Newtoune of that Ilk, Robert and Alexander Quhitlaw, and five others, found caution[2] to underly the law at the next Justice-aire of Edinburgh, for treasonably Resetting Robert Newtoun; and for other crimes of High Treason; and for Oppression and Hamesuckin done to Mathew Dewar, in the month of June 1548, treasonably coming to his house in Saltoune and Burning thereof, with the whole goods therein.

Slaughter — Ravishing — Imprisoning, &c.

Mar. 27, 1550.—James and John Craufurd, sons of Hugh C. senior, Robert, George, and Hugh C. sons of William C. of Barquhorn, John Beg and John Browne, having previously found caution (George C. of Lesnoresse) to underly the law for the cruel Slaughter of William Mathy and Finlay Sym; and for Ravishing (forcible abduction) of Agnes Craufurd Lady Lesnoresse, and detaining her in captivity for a certain space; and for pursuing and invading Alexander Nesbet for his Slaughter, of forethought felony, and ancient ffeud; and for other crimes contained in his Letters: Failing to appear, the Laird of

[1] See May 4, 1555. A number of intermediate Cases of the same description likewise occur, where high fines were exacted. It is, however, considered unnecessary to cite each individual instance.
[2] Patrick Hepburne of Wauchtoune and Mark Ker of Dolphinstoune.

Lochnoreis was amerciated, and they were all denounced Rebels and put to the horn.—JAMES DUNBAR and Andrew Porter were alſo denounced for the ſame crimes; and David Craufurd of Kerſe was amerciated for their non-entry.

Slaughter—Privileges of the Sheriff of Peebles.

Apr. 30.—DUTHO[1] STEWART Convicted of art and part of the cruel Slaughter of Thomas Foreſtar, burgeſs of Peebles.—BEHEADED.

'Compeirit Nychol Quhippo, ane of þe Scheref-deputis of Peblis, and proteſtit, þat howbeit he enterit þe ſaid Dutho before þe ſaid Juſtice-depute to vnderly þe law for þe ſaid Slauchtir, at command of THE QUENIS Letteris, and for feir of þe panis contenit þairin, That þe entre of þe ſaid Dutho ſuld nocht hurt nor preiuge our ſouerane ladieis Commiſſioune granted to þe SCHEREF of Peblife and his deputis for iuſtefeing and pvniſſing of perſonis committeris of ſic crymes as is contenit þairin; and þairupoune took inſtrumentis.'

Slaughter of a son of the Laird of Cauldwell.

May 5.—PETER HOWSTOUNE, brother-german of the Laird of Howſtoune, Patrick H. uncle of the ſaid Laird, Peter H. in Park, Patrik H. porter (janitor) of Howſtoune, and nine others, found caution (Alexander Earl of Glencarne, Lord Kilmawres) for their entering, on Jun. 5 next, to underly the law for the cruel Slaughter of Robert Muir, ſon of John Muir of Cauldwell, (on the ſecond day of April laſt, under ſilence of night; committed on ancient ffeud and forethought felony.)[2]

(Jun. 14.)—ARCHIBALD HOWSTOUNE was tried for the above crime, and BEHEADED.[3]

Murder of Lady Ullishavin and her servant.

May 10.—JAMES SCHORISWOD and twelve others found caution to underly the law, on Jul. 8, for the cruel Slaughter and Murder of Helen Striueling Lady Ulliſhavin,[4] and Jonet Sawle her ſervant.

Assisting the English Soldiers in the Castle of Haddington.

May 16.—ALEXANDER GIBSOUN, in Mekilrig, produced a Remiſſion from THE QUEEN for fortifying, aſſiſting, and partaking with our ancient enemies of England in perſecuting the Queen's lieges; and in carrying gun-powder[5]

[1] Duthacus. [2] Patrik Muir of Anistoune, Robert Cathcart of Carltoune, Duncan Kennedy of Dalquharrane, and John K. of Dunnymuk were present, and some of them were sworn as Assisors. [3] Unfortunately, the particulars of this case are not narrated in the Record. [4] See May 28, 1549, and the APPENDIX to this reign. Their victims were both in a state of pregnancy at the time of the murder. [5] *Pulueris* in the Record. It is, however, proper to state, that this word may have been intended to denote *flour*, although such interpretation is unlikely.

and victual to the Fortalice of Hadingtoune, and taking aſſurance with the ſaid enemies for the ſubverſion of the kingdom, for the ſpace of two years paſt, or thereby.—JAMES SAMPSOUN and three others, having been charged for the ſame crimes, produced the following Warrant:

GUBERNATOR,

JUSTICE, Juſtice-Clerk, and ȝour deputis, We greit ȝou weill. Forſamekill as it is our will, and for certane reſſonabill cauſſes and conſiderationis moving ws, we charge ȝow, þat ȝe proceid and do juſtice vpoun *Robert Watſoun*, James Sampſoune, George Rauff, and George Tait,[1] *Tenantis and Seruantis* to our couſing ALEXANDER LORD HUME, in ȝour Juſtice Court ſet be ȝow to þame, to vnderly þe law þis xvj day of Maij inſtant, for all kynd of actionis and crymes committit be þaim in tymes bipaſt, contenit in þe Letteris raiſit aganis þame þairanent, except for þair taking of Aſſurance with our auld inymeis of England, and Aſſiſting to þame in ony maner of way, in tymes bigane; ffor þe quhilkis, we will þat ȝai be noeht perſewit; And diſchargis you of all proceding aganis þaim þairof, and of ȝour offices in þat pairt, be þir preſentis. SUBSCRIUIT with our hand, AT EDR, þe xvj day of Maij, þe ȝeir of God I^m.V^c. and fifty ȝeris. JAMES G. JOANNES THE^S.

Treasonably assisting the English, &c.

May 23.—JOHN DIKSOUNE, formerly in Belcheſter, and ROBERT TROTTER,[2] were denounced Rebels, &c. for not underlying the law for their Treaſonably Taking Aſſurance, Aſſiſting, Fortifying, and plain Partaking with our ancient Enemies, the Engliſh, and revealing to them the ſecrets of this kingdom, &c. Walter Ker of Cesfurd, and Alexander Lord Hume, their cautioners, were amerciated for their non-appearance.

[*George Earl of Errol, Lord High Constable.*]

Jurisdiction of the Lord High Constable — Stouthreif — 'Umbesetting the gait' — Mutilation, &c.

Jun. 17.—GILBERT M'TEYR Convicted of art and part 'of Umbeſetting' the way to John Nycholſoun, on Monday Jun. 16 inſtant, at 'Sanct Androis' Port,[3] near the COLLEGE of the Holy Trinity, where he was quietly returning from the burgh of Edinburgh, and cruelly invading him for his Slaughter: AND for Mutilation of the ſaid John of three fingers, and the thumb of his right hand: AND for Stouthreif and plundering ('reiving') from him of his horſe ſword, two cloaks,[4] and ſundry other goods.—BEHEADED.

Assisting the Escape of English Prisoners of War.

Jun. 26.—HENRY BELL and ANDREW MATHESOUNE were denounced rebels, &c. and Patrick Hakket of Pitfirrane, their cautioner, was amerciated, for their not appearing to underly the law, for art and part of treaſonably conduct-

[1] 'In Weſtmanis.' [2] Cristina Brownfeild, his wife, was proved to be pregnant, and unable to travel. [3] The Editor does not recollect of having elsewhere met with the name of this PORT. It must have stood beyond the foot of Leith Wynd. [4] *Collobiorum.*

ing three Engliſh priſoners, called John Cuk, Richard . . . . , and John Stevinſoune, being in their cuſtody at the time, to the North Queensferry, in treaſonable manner, in the month of November laſt, under ſilence of night, where they theftuouſly entered a boat belonging to Florence (Cornetoune?) which they carried off, and abſconded in the ſame.[1]

Slaughter.

Jun. 28.—DONALD M'KY OF FAR, Neill M'ane Moir, Rory M'ane Moir, Murdoch M'ane More, John M'ane More, and Tormat M'ane More, brothers, and Donald Dow M'corkill, charged for the cruel Slaughter of Alexander M'ane Roſs, Alexander M'illemychell, Tormat Makalexander, and five others. Alexander Roſs of Balnagowne was amerciated for not reporting and delivering to the Clerk of Juſticiary, the Letters, which had been purchaſed by the wives, children, parents, and friends[2] of the deceaſed, duly executed and indorſed.

Feud with Lord Stewart of Vchiltree, &c.

Jul. 15.—JOHN LOKHART OF BAR, John[3] his brother germane, Charles Campbell of Skeringtoune, and William his brother, were denounced rebels and put to the horn, and their cautioners[4] amerciated for not appearing to underly the law for purſuing Andrew Lord Stewart of Vchiltree for his Slaughter, on May 25 laſt, on old Feud and forethought felony, &c.—HUGH LOKART, brother german to the ſaid Laird of Bar, was replegiated by the Archbiſhop of Glaſgow, to anſwer for the ſame crime.

Breaking the Castle of Hamilton for the escape of a Heretic, &c.

Jul. 16.—JOHN LOKART OF BAR, John his brother german, and Charles Campbell of Skeringtoune, were denounced rebels, &c and their cautioners[5] amerciated, for their not appearing to underly the law, for their cauſing, affiſtance, ratihabition, &c. and for the help afforded by them to MR *alias* SIR JOHN M'BRAIR, formerly Canon of Glenluce, in breaking Ward furth of the lord Governor's Caſtle of Hammiltoune, where he was impriſoned, being charged for ſundry great and odious crimes, Hereſies, &c.; coming to the foreſaid Caſtle in the month of May laſt, under ſilence of night, and taking the ſaid Mr or Sir John therefrom, and conducting him to the Manſion Houſe of Bar and other places, as contained in the Letters.

[1] Laurence Marser of Awdy became surety for the entry of ROBERT STEWART, in Dunfermling, on Aug. 11, 1750, to underly the law for the same crime, at the next Justice-aire of Fife. [2] Kinsmen. [3] The name is repeated twice. It was then usual to give two or more sons the favourite or prevailing family name, so as to hand it down to remote posterity. The reader is referred to the Appendix to this and the former Reign for illustrations of these and similar feuds. [4] James Dalrumpill of Stair, and William Campbell, brother of the Laird of Cesnok. [5] Mathew Campbell, junior, Sheriff of Air, and George Campbell of Cesnok.

Sacrilege — Spoliation of Churches and Altars — Destroying Choral Stalls, glazed windows, &c.

Jul. 16.—JOHN LOKART OF BAR and Charles Campbell of Bargour denounced rebels, and their cautioner[1] amerciated, for their not appearing to underly the law for their theftuous and violent carrying off, depredation, Stouthreif and Spoliation furth of fundry Parifh Churches, Religious Houfes and Chapels, within the fhires of Lanark, Renfrew, and the ftewartries of Kyle, Carrick and Cuninghame, of fundry Euchariftic chalices,[2] Altars, and ornaments of the Mafs:[3] AND alfo, for cafting down and breaking choral ftalls and other ftalls, and glazed windows, &c. in the years 1545, 1546, 1547, and 1548; as fpecially contained in the Letters.

Intercommuning with the English in Hadington.

Aug. 8.—GEORGE HEPBURNE, in Athelftanefurd, got THE QUEEN'S Remiffion for treafonably Intercommuning with *Sir James Wolfurd, General of Hadingtoune*, and other ENGLISHMEN with him in Hadingtoune, in June 1548, and continually from that time until the expulfion of the Englifhmen therefrom; fupplying them with fheep, oxen, and victual, and thus plainly participating with and affifting them, and enabling the faid Englifhmen to hold out the faid Town longer againft the Queen and the lord Governor, to the fubverfion and deftruction of the kingdom: AND alfo, for his treafonably dwelling under affurance with the faid Englifhmen for the forefaid fpace.—JOHN, JAMES, and ADAM BAGBIE, in Athelftanefurd, were likewife denounced Rebels for the faid crime; and Patrick Hepburne of Wauchtoune, their cautioner, was amerciated for their non-appearance.

Slaughter of Lord Creichtoune of Sanquhar.

[THE remarkable event which forms the subject of the following proceedings, is mentioned by all the earlier historians, who, as usual, vary extremely in their chronology. *Lesley*[4] says, under the year 1553, 'At fame tyme, THE LORD SYMPILL flew[5] THE LORD CREYCHTOUN OF SANCHAR, in *the Governouris* awin Hous, apoun a fudden, within the Toun of Edinburgh. For the quhilk he was taken and put in the Caftle of Edinburgh, and had bene execut thairfoir, war not the gret laboris maid be *the Lorde Sancharis* freindis, for fauftie of his lyf, through ane aggrement that was labored betuix thame, be moyence of *the Bifchop of Sanctandrois*, and utheris his freindis at the tyme.' *Pitscottie*,[6]

[1] Archibald Earl of Ergyle, Lord Campbell and Lorn, &c. [2] Sacramental or Communion Cups. [3] Owing to the unfortunate loss of the Books of Adjournal at that period, this is the first entry now remaining, relative to the earliest breaking out of the Reformation in Scotland. [4] Bannatyne Club Edition, p. 248. [5] 'Stabs to death,' *Balf. Annales*, I, 301. He assigns the year 1552 as the date of the catastrophe. [6] *Pitscottie*, 8vo Edit. p. 511.

however, animadverts sharply on the scandal of compounding for so heinous a crime, and states that 'no correctioun was maid thairfoir, becaus he (Lord Sempill) was *the Bifchopis* gnid-father.[1] Bot the plague of God left never *the Bifchopis* hous thaireftir, becaus they left the publict fault vnpuniflied, conforme to juftice. Yit *the Governour* wes weill obeyed in all thingis; quhill, at the laft, he and his brother the Bifchope begouthe to grow greidie, and held Juftice-airis throche all Scotland, under pretext of juftice, to fill thair bagis and boxes with money; for thair compofitiones wer alike to Theiffis and leall men, with thair lawes. They fcaffed throche all Scotland, oppreffand the leal men als weill as the Theiff, for thair particular commoditie.'

The parties concerned in this affair were ROBERT *third* LORD SEMPILL, who married, 1st, Issobel, daughter of Sir William Hammilton of Sanquhar; and 2dly, Elizabeth Carlyle, a daughter of the Family of Torthorwald. He had extensive possessions and honourable offices, having, besides his patrimonial inheritance acquired Darnley, Cruikston, &c. after the forfeiture of *Mathew Earl of Lennox*, and held the offices of Governor of the Royal Castle of Douglas, Sheriff of Renfrew, &c. He afterwards fought against the Queen at the battle of Langside, and obtained the Abbacy of Paisley, on the forfeiture of Lord Claud Hamilton. There seems to be no doubt that he owed his life to his daughter's corrupt influence over the Archbishop, who swayed his brother the Regent. The injured relations of the murdered Lord, finding themselves compelled to yield to the force of circumstances, were induced to give the use of their names, as concurring in the application for pardon.

WILLIAM *third* LORD CREICHTON OF SANQUHAR, who was slain by him in the Palace of the Duke of Chatelherault, Governor of Scotland, and, according to *Buchanan*, almost in his presence, married Elizabeth, daughter of *Malcolm third Lord Fleming*.]

Sep. 6.—ROBERT MASTER OF SEMPILL became in her Majefty's Will, for art and part of the cruel Slaughter of William Lord Crechtoune of Sanchare, committed within the Lodging or Hall of the Lord Governor, in Edinburgh, on June 11th laft.

DECLARATIO VOLUNTATIS *Domini Gubernatoris, per eum, nomine* REGINE, *fuper dicto Roberto pro dicto crimine declarata, apud Ed^r, Sep.* 10 *inftantis, in domo Reverendiffimi in Chrifto patris Joannis Archiepifcopi Sanctiandree.*

THE quhilk day þe faid nobill Prince, at þe eirnift requeift, defire, and follifta-

[1] His daughter, 'Lady Gilton,' was concubine to John Hamilton, Archbishop of St Andrews, by whom he had one son, John Hamilton of Blair. See also *Buchanan*, Book xv, p. 65, who states that

tioune of MARIE QUEENE OF SCOTLAND, DOWANER, eftir þat his grace wes defyrit þairto be þe wife, kin, and frendis of vmq^le WILLIAME LORD CRECHTOUNE, Declaris þat þE QUENIS pardoune vnder þe Greit Seall falbe gevin and granted to þe faid Robert, for þe Slauchter of þe faid Williame, and extendit in þe largeft form, with all clauffis neidfull; and falbe fred furth of þE CASTELL OF ED^R þe morne, and put to libertie; and within xv dais eftir þe faid day of his depairting furth of captivité, fall enter his perfoun within þe boundis of þe Scherefdomes of Kincardin, Forfar, and Perthe, be-Eift þe Watter of Tay, and þair remane in Ward, as þE QUENIS Warder, induring my lord Governouris Will: And fall keip his Waird, and nocht depairt þairfra without his graces Licence, vnder þe pane of xx^m markis, to be payit to oure fouerane lady, and hir Thefaurare: And fall find fufficient fouirtie for fulfilling of þis Will, or [1] he depairt furth of þe faid Caftell of Ed^r. IN Witnes heerof, his grace hes fubfcriuit þir prefentis.[2]

JAMES G.

THE famin x day of September, Henry Lord Methvene, þe Laird of Johnneftoune-Wallace, þe Laird of Blakwod, þe Laird of Barrochane, þe Laird of Kynfawnis, the Laird of Mynto-Stewart, Williame Hamiltoune of Humby, Andro Hamiltoune, Capitane of Dumbertane, Robert Hammiltoune of Briggis, and þe Laird of Lundy, become plegis and fouirteis, coniunctlie and feueralie, for þe faid Robert Maifter of Simpill, for fulfilling of þe faid Will in all poyntis, vnder þe faid pane of xx^m markis.

Murder of a Woman by her Husband.

Sep. 19.—WILLIAM TOD, burgefs of Edinburgh, Convicted of art and part of the cruel Slaughter and Murder of Elizabeth Adamfoune, his wife, committed under filence of night, in his houfe, within the faid burgh, in Oct. 1548. —BEHEADED.

Slaughter by the Clan Cameron.

Sept. 27.—EUGENIUS M^cDONALD M^cEWIN, CAPTAIN OF GLENCAMROUNE (Clan-Cameron), Donald M^callane M^cane, and fourteen others, delaited of the cruel Slaughter of John Roye M^callane M^ccoule *alias* Stewart, and John Dow M^cewin *alias* Camroune.—Donald Campbell of Yhtirachyme, their cautioner, for delivering Letters duly executed, &c. was fined for not producing them.

the entreaties of *Sempill's* daughter saved his life. The reader will find numerous notices of these persons in the APPENDIXES to this and the preceding reign. See likewise *Notice*, I. * 340.

[1] Ere, before. [2] On the margin: 'Hoc actum deletur, de Mandato domini Gubernatoris: Quod Mandatum vnacum Declaratione Voluntatis extant in ciftula.'

Oppression — Sorning — Taking Black-Mail.

Oct. 3.—JAMES GULANE and JOHN GRAY, Meſſengers-at-arms, Convicted for taking and apprehending John Cathro, and receiving *Black-mail* from him for his liberty: *Item*, for Common Oppreſſion and Sorning upon the lieges, forcing and compelling them to pay Black-mail.—HANGED.

Abiding from the Raids of Langholme, &c.

Oct. 7.—GEORGE GALLOWAY in Auchmuir, Convicted of Abiding from the Queen's Armies ordained to convene at Langholme, Haddingtoun, and Edinburgh, on Apr. 13 laſt, for reſiſting our ancient enemies the Engliſh, and for beſieging the Fortalices remaining in the hands of the ſaid enemies.[1]

Murder — Adultery — Oppression — Sacrilege.

Nov. 5.—MR JOHN ELPHINSTOUNE, Rector of Innernochty, dilated of art and part of the cruel Slaughter and murder of Thomas Cult in Auld Aberdeen, under ſilence of night: AND for theftuouſly waſting and deſtroying the goods of William Lowſoune, burgeſs of Aberdeen, for the ſpace of ten years, during which time the ſaid Mr John lay in Adultery with Jonet Coleſtoune, ſpouſe of the ſaid William: AND for Oppreſſion done to Mr Duncan Burnet, Rector of Methlik, in 'Umbeſetting' his way within his lodging in the Chanonry of Aberdeen, and Cathedral Church thereof, where he was for the time celebrating Matins and Divine ſervice, invading and ſtriking him to the ground ſeveral times with '*roungis*' and '*battounis*,' &c. He was replegiated by the Vicar of Innerkip, Commiſſary of the Biſhop of Aberdeen, and Jan. 21 next was aſſigned by the Juſtice for his entry to underly the law.

Deforcing Messengers-at-Arms.

Nov. 14.—GEORGE RAMSAY, FIAR OF DALHOUSSY, became in Will, in his perſon and moveables only, for art and part of the Violent Deforcing of Archibald Hereot and Roger Tempiltoun, Meſſengers-at-arms, in the execution of their offices, by virtue of the QUEEN'S Letters; and James Maxwell, under a Decree of the Lords of Council, in the month of October laſt; and for violently taking certain goods from them, after they had been diſtrained for the ſums therein contained.—Patrick Hepburn of Wauchtoune became ſurety for him.

'Umbesetting the Gait' — Convocation — Mutilation, &c.

Nov. 14.—ALEXANDER BRODYE OF THAT ILK, Lauchlan Malcolmſoun, and *one hundred and twenty-five others*,[2] were denounced Rebels, &c., for not underlying the law for 'Umbeſetting' the way of ALEXANDER CUMMYNG

[1] Sentence is not recorded. [2] The only person of note in the list is John Hay, son of the Laird of Park. The enumeration of the rest could hardly be interesting to any one.

of Alter (Altyre), and his ſervants, between his Place of Alter and the lands of his Leaſe of Balnafery, for his ſlaughter; committed on forethought felony, by way of Hameſuckin: And for the cruel Invaſion of the ſaid Alexander and his ſervants, for their Slaughter, and putting them to flight, with their accomplices, in great numbers, on horſe and foot: And for the cruel Mutilation of Alexander or Alleſter Adefoun, flegear, one of the ſaid Alexander's ſervants; committed in Auguſt laſt.—Their cautioners were unlawed or amerciated for their non-appearance, viz. Alexander Dunbar of Cumnok, Patrick his ſon and heir apparent, Alexander Vrquhard of Burriſȝardis, John Grant of Ballindalloch, James Dunbar of Tarbert, and Robert Dunbar of Durris.

The following Warrant is afterwards recorded, remitting these sums.

Gubernator,

Justice Clerk and ȝour deputis, We grete ȝow weill. Forſamekill as Lauchlane Malcomeſoune, William Leſlie, ſone to George Earl of Rothes,[1] Charles Vrquhard, &c.,[2] being chargit to find ſicker ſouirtie þat þai ſuld compere befoir þe Juſtice or his deputis in þe Tolbuyth of Ed^r, þe xiiij day of Nouember, þe ȝeir of God I^m.V^c. and fifty ȝeris, to vnderly þe law for Vmbeſetting of þe gait of Alexander Cummyng of Altarr, and laying of ane grete buſchement[3] of futemen, bodin in feir of weir, to þe nowmer of aucht ſcoir;[4] and for maiſterfull ſetting vpoune þe ſaid Alexander and his ſeruandis, and cauſing of þe ſaid grete buſchement to breke halalie togidder[5] vpoun þe ſaid Alexander and his ſeruandis; and chaſing of the ſaid Alexander and his ſeruandis, for þair ſlauchter, to þe Place of Alter to þe ſpace of ane myll or þairby: And for þe crewall Hurting and Wounding of his ſeruandis, and leving of þame for deid: And for þe crewale Mutilatioune of Allaſter Adefoune, flegeour,[6] vpoun auld feid and foirthocht felony, and breking þairthrow of þe Actis of Parliament, ffand Alexander Dumbar of Cumnok, Patrick Dumbar, his ſone and apperand air, James Dumbar of Tervett, Alex^r Vrquhard of Burriſȝardis, ſouerteis for entré of þame befoir þe ſaid Juſtice þe ſaid day: And als, þe ſaidis Alex^r, Patrick, James, Robert, and Alex^r becom ilkane ſouerteis for vþeris for entré of þame þe ſamyn day: And becaus þai onne na wiſe comperit þe ſaid day, to þe effect abone writtin, þai wer vnlawit and adiugit in diuerſe ſowmes of money: Quhilkis vnlawis oure ſouerane lady, with our auiſe, and with auiſe of her ſaid Theſaurare, hes Remittit and forgevin to þame; as þe Remit maid þairupoune beiris. Oure will is heirfoir, and We charge ȝow, þat incontinent eftir ȝe ſycht heirof, ȝe deleit and put furth of þe bukis of Adiornall all Actis maid, quhair þe ſaid Alex^r Dumbar, Patrick Dumbar, James Dumbar, Robert Dumbar, and Alex^r Vrquhard, wer vnlawit for non-entre of þame and þe perſonis above writtin, þe ſaid day: ſwa þat þai be nocht trublit þairfoir in tyme cuming. As ȝe will anſuer to ws þairupoune, kepand þis oure Precept for ȝour Warrand. Subscriuit with our hand, and with þe ſaid Theſaurare hand, At Edinbur^t, þe xj day of Februare, the ȝere of God I^m.V^c. fifty ane ȝeris. JAMES G. Joannes Thes. Gratis.

Intercommuning with the Laird of Caldwell and his son, Rebels.

Jan. 15, 1550-1.—Alexander Park of Bagray became in Will for Refetting, Supplying, Intercommuning, &c. with John Mure of Caldwell and William his ſon, being rebels and at the horn; and for furniſhing the ſaid rebels

[1] He is omitted in the preceding list, and was probably charged separately. [2] The remainder of the names follow. [3] Ambuscade. [4] 160 persons. [5] To burst forth in a compact body from their ambush. [6] Perhaps this denotes *flesher*, or butcher.

with meat and drink in November laſt, and ſundry other times before and ſince. —WARDED in the Caſtle of Edinburgh.

Intercommuning and supplying Rebels with meat and drink.

Jan. 24.—ALEXANDER and WILLIAM GALBRAITHE, Thomas Craig, and John M'kane came in Will for Reſetting, Supplying, Intercommuning, &c. with William Cunynghame in Carneferne, rebel and at the horn, and for ſupplying them with goods, meat, and drink in November laſt, and ſundry times before and ſince.—Robert Cunynghame of Mongrenane and James C. of Roſs became cautioners for their entry, at the next Aire of Dumbarton, to underly and fulfil the declaration of the ſaid Will.—William M'kane and William M'caichny fail to appear, and their cautioners are unlawed.

Common Theft.

Feb. 6.—JOHN STRIUELING, YOUNG LAIRD OF TULYDUVY, Convicted of common Theft.—HANGED.

Treasonably Supplying the Master of Rothes, a Traitor.

May 4, 1551.—ALEXANDER PRIOR OF PLUSCARDIN delated of treaſonably Intercommuning with, Reſetting, and Supplying Norman Leſlie, formerly Maſter of Rothes, a convicted and declared Traitor and Rebel, and at the horn for his treaſonable deeds, committed in the months of December and January laſt, and other times ſpecified in the Letters.—Replegiated by Mr James Strathauchin, Rector of Fethircarne, and Commiſſary of Patrick Biſhop of Moray, and Jul. 3 aſſigned for his underlying the law in the Chapter houſe of Moray.—James Dunbar of Tarbett became ſurety for his entry, &c.

Piracy punished by Hanging in Chains.

May 6.—JOHN DAUIDSOUN Convicted by an Aſſiſe of the Violent Piracy of a French ſhip of Bourdeaux, in October laſt: And alſo for certain other crimes of Piracy ſtated in his Indictment: And for common Piracy.—HANGED in irons,[1] and his moveables eſcheated to the Queen.

Intercommuning with the Master of Rothes.

May 26.—JOHN GRANT OF BALLANDALLOCH got a Remiſſion for

[1] 'Laqueo ſuſpendi ad mortem, vſque ad ſui corporis conſumptionem, adjudicatus fuit.' This is the earliest notice in the existing Books of Adjournal of exposing the body of a criminal in chains, to be consumed piecemeal by the action of the elements. The brevity of the Record merely leads us to infer that this Pirate's body was hung in chains, and within flood-mark near Leith, which was for a long period afterwards the common place of execution for pirates, as at present on the banks of the River Thames. There are, however, few similar instances on record.

Intercommuning, refetting, and fupplying Norman Leflie, formerly Mafter of Rothes, rebel and traitor, convicted and declared in Parliament, and being at the horn for his treafonable deeds.

Abiding from the Convention at the Borders.

Jun. 10, (*apud Peblis.*)—Patrick Hepburne of Boltoune Convicted of breaking the Queen's Proclamation, in abfenting himfelf and abiding from the Convention made by the lord Governor at the Marches towards England, for the reformation of crimes, &c., committed therein.

Riding with the English — Fire-raising — Slaughters, &c.

Jun. 27.—James Patersoun, in Johnnifcleuche, and Stephen Paterfoun, in Kifthill, found caution to underly the law at the next Juftice-aire of Hadingtoune, for conftantly riding with our ancient enemies the Englifh, and leading them to many places where the goods of the Queen's lieges were; and thereby caufing them to carry them away, to the extreme 'Herefchip' of the faid lieges: And alfo for caufing fundry Fire-raifings, Slaughters, Stouthreifs, and Raids in various parts of the kingdom.

Intercommuning, &c. with the Master of Rothes.

Aug. 18.—Alexander Dumbar of Cumnock denounced rebel, &c. and all his moveables ordained to be efcheated, and his cautioner[1] alfo was unlawed, for his not underlying the law this day, for treafonably Intercommuning, refetting, and fupplying Norman Leflie, formerly Mafter of Rothes, the Queen's convicted Traitor and Rebel, declared in Parliament, alfo being at the horn; committed within the burgh of Fores, and the Place of Grangehill, belonging to Robert Dumbar, publicly furnifhing him with meat, drink, and lodging, in the months of December and January laft.—Alexander Vrquhard of Burrifzardis, James Dumbar of Cumnok, and Robert Dumbar of Grayngehill, came in the Queen's Will, and found caution for fatisfying her Majefty.

Lord Lovett, Archibald Campbell of Calder, Alexander Doles of Cautra, Robert Murray in Fyndorne, and Alex^r Falconer of Lethane, amerciated for not appearing to pafs on their Affife.

Treason — Fighting against the Governor at Ancrum Muir.

Sep. 10.—Thomas Haitlie, brother of the Laird of Mellestanis, Parifh Clerk of . . . . . , dilated for treafonably coming with the late Sir Ralph Everis, and fundry others our ancient enemies of England, in battle

[1] Alexander Vrquhard of Burrifzardis.

array, bearing the Engliſh Red-Croſs, againſt James Earl of Arran, Governor of the kingdom, at Ancrum-Muir; thereby ſtriving to the utmoſt of his power, that the ſame ſhould be ſubjugated by our ſaid enemies; and for other crimes ſpecified in his Letters.—He was replegiated by the Archbiſhop of St Andrews, and Nov. 27 was aſſigned for his underlying the law, &c.

Treasonably supplying the English in the Castles of Hume, Lauder, Roxburgh, &c.

JOHN HAITLIE in Fawnis, William Haitlie in Reidpethe, Cuthbert Myretoun in Melleſtanys, and Chriſtopher Richerdſoun there, came in Will for the above crimes: And for treaſonably remaining under the aſſurance of the ſaid enemies of England continually from the battle of Pynké-cleuche, in Sep. 1547, till the recovery of the Caſtle of Hume, in Dec. 1548; publicly carrying the foreſaid Engliſh Red-Croſs, as the ſubjects of England, to ſundry Fire-raiſings, depredations, and incurſions made upon the lieges of Scotland, riding and marching, and publicly aſſiſting, fortifying, and participating with the ſaid Engliſh, being then in the Caſtles of Hume, Lauder, and Roxburgh: And for furniſhing them with victual and other neceſſaries, and thereby enabling them longer to hold out the ſaid Caſtles, &c.—John Hume of Coldaneknowis became cautioner for the ſatisfaction of parties.

Making and Selling Light Bread.

Sep. 17.—THOMAS CRAIG, baker, burgeſs of Edinburgh, came in Will for common Oppreſſion of the lieges, in the years 1545, 1546, 1547, 1548, 1549, 1550, and 1551, in making and ſelling his bread or loaves of the price of 4d. leſs in weight, from three to four ounces, than is ordained by the Statutes of the Provoſt and Bailies of Edinburgh.

The following DECLARATION of the LORD GOVERNOR'S WILL is afterwards recorded.

(GUBERNATOR,)

JUSTICE CLERK. Forſamekill as Thomas Craig, baxter in Edr, in ane Juſtice Court haldin in þe tolbuithe of Edr, þe xvij day of September laſtbipaſt, become in Will to our ſouerane ladeis Juſtice, for certane poyntis of Oppreſſioune, quhairof he was fundin culpabill: Quhilk Will, We, as Tutour to our ſouerane lady, with auiſe of hir Theſaurer, hes modefiit and fixit to þe ſovme of Vc markis. QUHAREFORE We, as Tutour foirſaid, charge ȝow, þat incontinent eftir þe ſicht heirof, ȝe infert þe ſaid Will in ȝour buke of Adiornale, and mak þis our writing to ȝour Warrand. SUBSCRIUIT with our hand, At Linlithqw, þe xxj day of October, the ȝeir of God Im.Vc. and lj ȝeris.

JAMES G. JOANNES THES.

Abiding from the Convention at Dumfries.

Oct. 6.—ALEXANDER DUNLOP OF THAT ILK came in Will for contemptuouſly remaining at home from the Convention of the Lords, Barons, &c.

within the bounds of the ſhire of Air, Baillieries of Kyle, Carrick, and Cunynghame, at Drumfreiſe, for there holding a Juſtice-aire on Jul. . . laſt; and thereby breaking the Proclamations made thereanent.—Neill Montgomery of Langſchaw became cautioner that he ſhould ſatisfy the Queen.

Remaining under Assurance of the English.

John Skowgall of that Ilk, and Robert Knowis of that Ilk, got a Remiſſion for their treaſonably remaining under Aſſurance of our ancient enemies of England, in time of war.[1]

Convocation — Invasion of the Provost of Glasgow, &c.

Oct. 8.—The Laird of Bischoptoune and others dilaited of Convocation of the lieges, and Invaſion of Andrew Hammiltoune, Provoſt of the city of Glaſgow, for his Slaughter, and other crimes contained in the Letters.

Absentes *ab* Assisa *domini de Biſchoptoune.*

Robert Denniſtoun of Cowgrayne, Robert Simpill of Nobilſtoune, Mr John Stewart,
John Bountene of Ardocht, John Hammiltoun of Ferguſlie, Hugh Craufurd of Kilbirny.
Robert Naper of Kilmahew, William Cunynghame, Tutor of
Alex. M'caulaw of Ardencapill, Craganis,

Murder of a Frenchman — Stouthreif, &c.

Nov. 3.—Thomas Litil-Johne Convicted of art and part of the cruel Slaughter and Murder of a Frenchman called John Porqueir, ſervant of Captain de la Mote Rouge; committed in the month of September laſt, in Clatty-dene, in the ſhire of Fife: And for the Stouthreif from him at the ſame time of 100l. of Scottiſh money, extending to 200l. Turoneſe French money, which he was carrying to the Caſtle of Bruchty-craig, for the payment of the wages of certain ſoldiers, ſubjects of the King of France, being then at the ſaid Caſtle.—Hanged and afterwards Beheaded; and his head fixed on the Port of the burgh of Couper.

Another unfortunate *hiatus* takes place at this period, by the loss of a Volume of the Books of Adjournal, from December 18, 1551, to April 19, 1554; being apparently that which had originally been numbered 'Sevint Buik.' In the absence of this information, the Editor again begs to refer the reader to the Appendix, where it will be found that neither pains nor labour have been spared by him in his endeavours to remedy all such defects.

[1] A number of persons, chiefly persons of no rank, were charged for this offence; but it is unnecessary to enumerate such instances. See the Appendix, &c. for many other examples.

The following remarkable document was obtained by the Editor from the 'LIBER STATUTORUM BURGI DE EDINBURGHE,' when engaged in searching the Archives of the City of Edinburgh for Papers for the present Collection. It may not inaptly be inserted in this place, as being highly illustrative of the disturbed state of society at that period, when the reader may recollect many instances of Feuds and even of pitched battles between the Barons having frequently been fought on the public streets of the metropolis.

ACT *of the Provoſt, Bailies, and Town Council of the City of Edinburgh, 'Anent (lang) Walpynnis in buithis,' Mar.* 4, 1552.

ITEM, it is ſtatute and ordanit be the Proviſt, Baillies, and Counſall of this Burgh, becaus of the greit ſlaichteris and utheris cummeris and tulȝeis done in tyme bygane within this burgh, and apperandlie to be done, gif na remeid be provydit thairto; and for eſchewing thairof, that ilk maner of perſone, merchandis, craftiſmen, and all utheris occupyaris of buthis or chalmeris in the Hie-gait, outher heych or laych, that thay have long valpynnis thairin, ſic as handex, Jedburgh-ſtaif, hawart, (halbart?) jawalyng, and ſiclyk lang walpynnis, with knaipſchawis and jakkis; and that thay cum thairwith to the Hie-gait, incontinent efter the commoun bell rynging, or that thay ſe ony cummaris of Slauchteris, tulȝeis, or apperance thairof, and concur with the Officiaris of this burgh for ſtanching thairof; under the pane of ten pund, to be tane of ony perſonis that failȝeis heirin, within viij dayis nixt heireftir. AND for obſerving heirof, that ilk Baillie mak ſerching, anis in the moneth, throuch all his quarter; and quhair he fyndis ony perſones diſobeyand this ſtatute, that he poynd thame for the ſaid vnlaw.

Slaughters — Stouthreifs — Fire-raisings, &c.

Apr. 19, 1554.—PETER DWNE, formerly dwelling in Saltoune, got a Remiſſion for art and part of the cruel Slaughter of James (George) Abirnethy, in Sep. 1548: ITEM, for art and part of the Slaughter of James A. junior, brother of the ſaid George, upon the Water of Tyne, in June 1550; committed of forethought felony: ITEM, for art and part of the Stouthreif of a horſe from James Fynlaſoune furth of the lands of Saltoune, in Oct. 1552: ITEM, for Stouthreif of a mare, in company with James Dewer, from Walter Tod, furth of the lands of Newhall, in Auguſt 1550: ITEM, for Stouthreif of two oxen from James Bagbie, furth of the lands of Byris, in the year 1551: ITEM, for Stouthreif of a horſe from William Sinclair, furth of the lands of Abirlady, in Auguſt 1550: ITEM, for the Theft and concealment of two oxen from the

Laird of Bernys, in September 1550: Item, for treaſonable Fire-raiſing and burning of certain corn belonging to John Hammyltoun of Ryſholme, in his barn of Saltoune, which grew on the farm in Saltoune, formerly belonging to the ſaid Peter, and diſponed to the ſaid John, on account of the ſaid Peter being at the horn, and his effects eſcheated to the Queen; committed in December 1550: Item, for treaſonable Fire-raiſing and burning the whole corns of four ploughgates of land, with the whole Teind-ſheaves of the pariſh of Ormyſtoune, being in the barn-yards of Ormyſtoune, extending to 160 bolls of wheat, at iiij l. per boll, 480 bolls of oats, at xxix ſ. per boll, 240 bolls of barley, at liij ſ. iiij d. per boll, 60 bolls of peaſe, at liij ſ. iiij d. per boll; together with the whole corns of three ploughgates, and the whole Teind-ſheaves of Cranſtoun and Tovnſtallis in the barn-yards thereof, extending to 120 bolls of wheat, 400 bolls of oats, 200 bolls of barley, and 60 bolls of peaſe, which belonged to umquhile Sir Walter Scott of Branxholm, kn^t, and Dame Jonet Betoune, his relict, committed on the firſt night of December 1550: Item, for the treaſonable Fire-raiſing and burning of the Milns of Muſſilburghe, belonging in leaſe to the ſaid Dame Jonet Betoune, and deſtroying and laying waſte the ſame, committed in company with our ancient enemies the Engliſh and the Traitors of Scotland, by the ſpace of three years, viz. in 1547, 1548, and 1549: And for common Theft, and common Treaſon, as well of old as of new.

Interlocutor and Sentence.—'And becaus þe ſaid Peter Dwne culd get na ſufficient ſouerteis to fynd for him for Aſſythment of parteis of þe gudis and ſkaythis aboue ſpecifeit, The Justices þairfor decernit him to be kepit in ſure Ward, within þe ſaid Tolbuth of Edinbur^t quhill þe ſaid ſouerte wer fundin be him, ſua þat he fand þe ſamyne within fourty dais heireftir: And failȝeing of fynding þairof, þe ſaidis fourty dais being bipaſt, dome wes gevin vpoun him to be juſtifeit and execute to þe deid for þe ſaid crimes, nochtwithſtanding his Remiſſioune, conform to þe law.[1]

Slaughter committed by an alleged Madman or Furious person.

May 7.—Jasper Lauder, dilaited of art and part of the cruel Slaughter of John Balcaſky, in Ratho, committed on May 1, inſtant.

Comperit Johne Lord Borthwik, prolocutour for þe ſaid Jaſper Lauder, and allegit þat he ſall nocht be put to þe knaulege of ane Affiſe for þe allegit Slauchter of vmq^le Johne Balcaſky, becaus þe tyme of þe committing þairof, and lang of befoire, and as ȝit, continualie, þe ſaid Jaſper hes bene furious and wantand þe vſe of reſoune, doand in all þe ſaid tyme, viz. be þe ſpace of xvj ȝeris laſt bipaſt, furious and daft[2] dedis; lyke as at lenthe is contenit in ane Inventour

[1] The probability is that this man was unable to provide sureties to redress the enormous injuries he had inflicted, and that his life was justly forfeited to the offended laws of his country. No future entry indicates his fate. [2] Insane; fatuous.

heir preſent to ſchaw :[1] And ſua, as furious during þe ſaid ſpace, commonlie haldin and repute, as is notourlie knawin, nevir queſtioune, trubill, nor occaſioune being betuix þe parteis, and ſua is comparit of þe law to ane infant, pupill, or beiſt, wantand þe vſe of reſoune, as ſaid is ; quharethrow he culd nocht contract, treſpas, or do ony ſic deid as were obligatorious,[2] quherbj he mycht be obliſt[3] to pvniſment of his perſoune, likeas he mycht nocht obliſe him in his gudis :[4] And þairfoir, aucht nocht to be put to þe knawlege of ane Affiſe, as ſaid is, conforme to þe common law, as is contenit in Lege, *Durius de officio Preſidis*, and hes bene practicat vpoun James Irwin and vþeris furious perſonis.

The Justice depute aſſignis þe tent day of Maii inſtant for geving of Interloquitour vpoune þe ſaid Exceptioune and allegeance ; and in þe meyntyme, continewis þe ſaid mater in þe ſamin forme, force, and effect as is now, but[5] preiudice of party.

Maii 10.—Convicted and Beheaded, notwithſtanding of the foreſaid allegeance, in reſpect that the Inventory above mentioned was not produced.

Mutilation of the Laird of Knowis.

Jun. 17.—Robert Lauder, in Tynninghame, and five others, came in Will for the Mutilation of Robert Knowis of that Ilk of the fore-finger of the left hand ; committed in the month of March laſt.—Adam Hepburne of Smetoun, and Patrick Quhitelaw of that Ilk became ſureties to ſatisfy the Queen and parties.

Copia Litere *Regine Dotarie conceſs. in fauorem Roberti Lauder, &c.*

Justice and Juſtice Clerk and ȝour deputis. It is our Will, and for certane reſonable cauſis and conſiderationis moving ws, we charge ȝou, incontinent eftir ſycht heirof, ȝe reſſaue in Will Robert Lauder, in Tynninghame, and his complices, for þe Mvtilatioune of Robert Knowis of þat Ilk, takand ſufficient ſouerte of ȝame for Affythment of our will and þe party ; diſchargeing ȝou of all calling and proceding aganis þame þairfor, or for ony vþer crimes quhairfor þai ar delatit, and hes fundin ſouerté to vnderly þe law befor ȝou þe thrid day of Julij nixt to cum, or ony vþer day or dayis quhatſumeuir, quhill[6] þe returning of þe ſaid Robert and his complices within our realme furthe of þe pairtis of France, and fourty dais þairefter, and of ȝour offices in þat pairt in þe meyntyme ; becaus þe maiſt pairt of þame is now in reddynes to depairt to þe ſaidis pairtis of France, to þe ſeruice of our derreſt fader the maist Cristin King. As ȝe will anſuer to ws þairupoune. Gevin vndir our Signet, and ſubſcriuit be our derreſt moder the Qwene Dowriar and Regent of our realme, At Edinburgh, þe xv day of Junij, þe ȝeir of God 1554 ȝeris, and of our regune þe xij ȝeir. [Marie R.]

Jul. 3.—A number of other accomplices came in will ; and others were replegiated by the Archbiſhop of St Andrews.[7]

Forging 'Bawbeis' and 'Halk-bawbeis.'

Jun. 22.—Peter Chaplane, Convicted of treaſonably forging and

[1] Unluckily the Inventour was not produced. It would appear that they had entirely failed in their proof, from the fatal result which has been recorded. [2] Obligatory ; binding. [3] Obnoxious ; liable to. [4] Effects ; personal estate. [5] Without. [6] Until. [7] See Jul. 3, following, &c.

adulterating the Queen's coin of the realm, called '*bawbeis*' and '*half-bawbeis*.' —Hanged.

Receiving the Sacrament while under Excommunication.

Jun. 26.—Gabriell Sympill of Craigbait found surety to appear at the next Aire of Renfrew, to underly the law for sustaining the process of Excommunication for year and day, by virtue of Letters of the Official of Glasgow, for not paying certain sums of money to Catherine Gilmour; and for receiving the Sacrament, while under the said Excommunication.[1]

Forging false money like 'Bawbeis,' &c.

Jul. 3.—Helen Patersoune, Convicted of casting, making, and forging false money, like 'bawbeis' and 'half-bawbeis.'—Hanged.

Convocation — Hamesucken — Slaughter.

Sir Johne Howdene, Chaplane in Dunbar, was replegiated by the Archbishop of St Andrews, for Convocation of the lieges, and Invading David, James, Christopher, Andrew, and George Humes, sons of vmq^le^ William Hume of Prandergaist, within the Town of Dunbar, by way of Hamesuckin, for their Slaughter, of forethought felony: And for the Slaughter of Nichol Burne, in December last.[2]

Wounding — Mutilation — Slaughter.

Robert Knowis of that Ilk, John K. his son, John Mortoune, and John Skowgall were replegiated by the Archbishop of St Andrews, for being art and part of the Hurting and Wounding of Hugh Lauder, in Dunse, in sundry parts of his body, and Mutilating him of his right arm: And for the cruel Hurting and Wounding of Christopher Sked in his right shin-bone; committed in March last.[3]—George Bald, parish Clerk of the Church of St Martin, near Hadingtoune, was also replegiated for the Slaughter of Richard Hepburne, *alias Reid Reché*.[4]

Exporting wheat, &c. to Flanders.

Jul. 4.—William Brown and Adam Nicholsoune produced Remissions for transporting wheat, flour, and corn[5] to Flanders, against the Proclamations, &c.—Others were replegiated to the Regalities of St Andrews and Holyrood, &c.

[1] See Apr. 26, 1555. [2] The Humes, &c. afterwards found surety to answer for similar Convocation and besetting Robert Lauder and others, and Wounding them, &c. on Dec. 21 last, at the next Aire of Edinburgh. [3] Sir William Knollis, Chaplain, was replegiated to the same Regality, on Jul. 5. [4] Red Richie, or Richard. See Jul. 5. [5] The law was severe for such offences.

Convocation — Hamesucken — Invasion.

Jul. 5.—HENRY CONGILTOUNE, Tutor of Congiltoune, James his brother, and four others, Convicted for coming, in April laſt, to the Town of Congiltoune, and there, by way of Hameſuckin, cruelly Invading William Chyrnſide and James Flemyng, his ſervant, in his dwelling-houſe.—John Hume of Blacader, cautioner for ſatisfying the Queen and parties.

Slaughter — Wounding.

WILLIAM CHYRNSIDE and James Flemyng, his ſervant, Convicted of the Slaughter of Richard Hepburne, committed vpone ſuddantie on Apr. 20 laſt, he being 'ane reddare:'[1] AND alſo for Wounding Mr Thomas Congiltoune at the ſame time, to the effuſion of his blood.—(Aug. 16.)—BANISHED from the kingdom: and not to return, without ſpecial Licence, under the pain of death; —James Cokburne of Langtoune became ſurety that they ſhould depart within fifteen days, 'And þat in þe meyne tyme of þe ſaidis xv dais, that they ſall nocht reſort nor repair within þe boundis of Eiſt Lowthiane, vnder þe pane of V^c^. merkis.'

Slaughter.

Jul. 11.—ANDREW HUNTER, in Dyſart, Convicted of the cruel Slaughter of William Williamſoune, in Weſter Wemys; committed in July inſtant.—BEHEADED.

[*John Paterſoune* alias *Snawdoune Herald, Juſtice-Depute.*]

Convocation — Hamesuckin.

Jul. 11. (*apud Jedburghe.*)—JOHN GORDOUNE OF LOCHINVER, John G. of Barſkeoche, Roger G. of Cuyll, David G. of Markbrek, Roger G. of Hardland, Mr Malcolm M^c^Culloch, Gilbert M^c^dowell of Machirmoir, Eliſeus G., ſervant of vmq^le^ Symon G., and Patrick M^c^kee of Larg, found ſurety to underly the law at the next Aire of Kircudbrycht and Wigtoun, for Convocation of the lieges in warlike manner, on Jun. 5. laſt, coming by way of Hameſuckin to the houſe of Michael M^c^crakene, burgeſs of Wigtoune, and ſearching for him for his Slaughter;[2] and for other crimes contained in their Letters.

Slaughter.

(*Ibid.*)—ALEXANDER STEWART, ſon and heir apparent of ALEX. S. OF GARLEIS, M. M^c^crakane, and five others, found the Laird of Garleis ſurety for their underlying the law at the next Aire of Wigtoune, for art and part of the

[1] One who interferes in a quarrel as mediator. The '*redding-ſtraik*' is proverbially the deadliest in an affray. [2] The cause of this Feud may be seen from the next Case.

cruel Slaughter of Symon Gordoune, and the Mutilation of Eliſeus G., his ſervant.

Slaughter of the Laird of Leidcreif and his Son.[1]

Aug. 4.—John Buttir of Gormok denounced rebel, and put to the horn for not underlying the law for art and part of the cruel Slaughter of George Drummond of Leidcreif, and William his ſon.—John Crechtoun of Strathurd and James Hering of Glaſclune, his cautioners, were accordingly amerciated.

Convocation — Invading Bailies of Cupar — Breaking Ward, &c.

Aug. 18.—James Turnbull, Deacon of the Wrights of the burgh of Cupar-in-Fife, Andrew Layng, Deacon of the Fleſhers, John Burrell, fleſher, and Laurence his ſone, inhabitants thereof, came in Will for art and part of Convocation of the lieges of all the Crafts within the ſaid burgh, armed in warlike manner, on the public ſtreet thereof, on Apr. 9. laſt: And for diſobeying Robert Williamſoun and Allan Jameſoun, Baillies thereof, who admoniſhed and commanded the ſaid Craftsmen, and each of them, in name of the Provoſt and remanent Baillies, and in their own names, to diſperſe and retire to their houſes: And for Invaſion of the ſaid Baillies, with brandiſhed ſwords, for their Slaughters. Item, for making a Contract ('Band') and Obligation, binding them, and each of them, to participate, concur, riſe, and fortify each other againſt the Provoſt, Baillies, council, and the reſt of the community, not being Craftſmen: Item, for Convocation of the lieges, Craftſmen, coming to the Tolbooth of Cupar, after citation ſerved upon them by the Officers to compear before the ſaid Provoſt and Baillies, to anſwer for the Hurting and Wounding of the ſaid Baillies; and after they had entered in judgment, and had been accuſed for the ſaid crime, and convicted by the Aſſiſe thereof, for their contemptuouſly going out of the ſaid Court, without the leave of the ſaid Provoſt and Baillies; thereby breaking the Ward thereof; committed on Apr. 10. laſt: Item, for Convocation of the whole body of Craftſmen of the ſaid burgh, in the month of June laſt, when Nicholas Arthe had entered upon pannel, to be accuſed in the ſaid Tolbooth for Convocation and diſturbance made by him in the ſaid burgh, before the Baillies thereof, ſitting in judgment; and during the progreſs of the ſame, interrupting the proceedings of the ſaid Court, with great clamour, without leave aſked or obtained; and thereby impeding the adminiſtration of juſtice: Item, the ſaid *James Turnbull* and *Andrew Layng*, for contempt and threatening of David Lyndeſay, Purſuivant, on Jul. 26. laſt, mocking him with injurious words, in the diſcharge of his office, while executing the Queen's Letters paſſing upon a Decreet of the Lords of Council, at the Market-croſs of the ſaid burgh, com-

[1] See the Notice and Papers relative to this affair, I, * 371.

manding the ſaid perſons, and the remanent Deacons and Craftſmen of the ſaid burgh, to obey the Provoſt and Baillies thereof as their competent Judges; as is more fully contained in the ſaid Letters—declaring, that their Proclamation contained idle fables, and that they would force tears to be ſhed for the ſaid execution.

DECLARATIO *Voluntatis* REGINE *penes nonnullos Artifices burgi de* COUPER-IN-FIFFE.

(Sep. 19.)—THE quhilk day, in preſence of þe ſaid Juſtice-depute, Comperit *Andro Layng*, dekin of þe Fleſcheouris, *James Turnbull*, dekin of þe Wrychtis of þe burcht of Cowper, *Johnne Burrell*, fleſcheoure, and *Laurence Burrell* his ſone, quha in ane Court of Juſticiare haldin in þe ſaid Tolbuith of Edinburt þe xviij day of Auguſt laſt bipaſt, become in Will to oure ſouerane lady, and hir Juſtice in hir name, for diuers Convocationis and inobedience committit agane þe Proueſt, Baillies, Counſale, and autorité of þe ſaid burcht of Cowper; like as in þe Act of þair becuming in þe ſaid Will at mair lenthe is contenit. AND þair þe ſaid Juſtice-depute, in Jugement, befoir the ſaidis perſonis, declarit our ſouerane ladeis Will ſoirſaid in þe ſaid mater, in maner following; and commandit þame to obſerue, keip, and fulfill þe ſamin: THAT IS TO SAY, þe ſaidis perſonis, and ilk ane of þame, within xlviij houris nixt eftir þair hame-cuming to þe ſaid burcht, ſall compeir in preſence of þe Proweſt, Baillies, and Counſale þairof, in þe Tolbuith of the ſamin, in Jugement; and þair, of þair awin conſentis, act, and oblife þame, and ilkane of þame, to keip gude rwle within þe ſaid burcht, and be obedient to þe Proweſt, Baillies, and Counſale þairof, now preſent, or ſal happin to be for þe tyme, in all thingis, conform to the lawis and conſuetude of þis realme: AND gif it ſal happin þame, or ony of þame, to be fundin inobedient to þe Proweſt, Baillies, Counſale, and officiaris of þe ſaid burcht, preſent and to cum, or to mak ony Convocatioune or gaddering of Craftiſmen within þe ſaid burcht or outwith, or to aſſiſt to ony vþirris in making of ſic Convocatioune and gaddering, for diſobeying of þe ſaidis Proweſt, Baillies, Counſale, or vþirris officiaris of þe ſaid burcht, or onywiſe incontrar þair autorité, and þai, or ony of þam to be convict þairof; in þat caiſe, þai or ony of þame that happinis to be convict, to be BANIST þe ſaid burcht perpetuallie, and of þair reddieſt gudis incontinent þaireftir to pay to þe Commoune Werk of þe ſamin þe ſowme of ten pundis money of þis realme, without fauoris: AND gif þai, or any of þame, failȝies in making of þe ſaid Act and Obligatione, in maner forſaid, þe failȝearis or failȝeare ſall, within þe ſamin houris, returne agane to the burcht of Edinburt, and þair remane in our ſouerane ladies Waird, or ony vþir Waird þat ſall pleis hir grace, ay and quhill þe QUENIS grace haif declarit hir Will; vnder þe pane of rebellioune, and putting of þame to þe horne, and eſcheitting of þair gudis movable.

Slaughter of the young Laird of Querrell.

Oct. 26.—ROBERT HENRY, alias *Deill amang ws*, Convicted of art and part of the cruell Slaughter of Thomas Biſſate, young Laird of Querrell.—BEHEADED.

Slaughter by Drugs or Poison.[1]

Oct. 30.—HENRY CONGILTOUNE, Patrick his brother, and William Lille, found ſurety[2] to underly the law at the next Aire of Edinburgh, for art

[1] See Appendix to this reign. [2] Robert Fairlie of Braid.

and part of the cruel Slaughter, by intoxication,[1] (the uſe of potions, drugs, or poiſon?) of Oliver Congiltoune, ſon and heir of umq^le^ Robert Congiltoune of that Ilk; committed in June laſt, in the Place of Kynneir.

Intercommuning with the Laird of Ballagane.

Nov. 14.—George Crawfurd of Lefnoreis became in Will for Intercommuning with Duncan Hunter of Ballagane, being rebel and at the horn,[2] under ſilence of night, on one occaſion only, in Auguſt laſt.—Sir Hugh Campbell of Lowdoun, kn^t^, became ſurety to ſatisfy the Regent—and that the ſaid George ſhould remain in the Town of Edinburgh, until the Declaration of the ſaid Will.—The ſame day, John Craufurd of Drongane found ſurety to underly the law at the next Juſtice-aire of Air, for Reſetting, Intercommuning, and ſupplying the Laird of Ballagane, John his brother, Herbert H. in Baitfurd, and three others, rebels, &c. for the ſame crime.—James Eklis of that Ilk likewiſe came in Will for Intercommuning with the ſaid Herbert.

Absentes *ab* Assisa *Dominorum de Lefnoreis et Eklis.*

John Lokkert of Bar,	Alexander Cuninghame of Hill,	Neill Montgomery of Langſchaw,
John Campbell of Lochlie,	Hugh Montgomery of Heſſelheid,	Thomas Kennedy of Bargany,
Rob. Grahame of Knokdoleane,	Geo. Kennedy of Balmaclenochane,	John Mure of Auchindrane,
Rob. Campbell of Kingecleuche,	David Boſwell of Auchinlek,	James Mure, his brother.

Convocation — Hurting and Wounding.

Nov. 16.—John Lyndsay of Cobyntoune,[3] John his natural brother, James Someruile brother[4] of the Laird of Cobyntoune, Alexander Lyndſay of Northflat, and eighteen others, came in Will for Convocation of the lieges to the number of 200 perſons, armed with lances, 'culveringis,' bows, and other invaſive weapons, on Sep. 28 laſt, before ſun-riſe; coming to the barn-yard of Mr John Someruile, Rector of Libertoune's glebe; and for the cruel Hurting and Wounding of Robert Myllar, ſervant of the ſaid Mr John, in his neck and other parts of his body, to the effuſion of his blood, and danger of his life.—John Lord Someruile[5] became ſurety for the Laird, who became cautioner for the others, towards ſatisfying the Queen and parties—and that he ſuld remain in the town of Edinburgh, until the Queen's Will was declared, and the royal Licence granted for his departure.

Mutilation.

Mr John Someruile, Rector of Libertoune, and Michael S. his brother,

[1] *Per intoxicationem.* The same phrase was used in the case of Lady Glammys, where the means employed are believed to have been poison and drugs, See I, * 158, &c. [2] For the Slaughter of John Greirsoune in Beochane, and Andrew G. in Bagrahill. [3] See Nov. 22, 1555, &c. for farther particulars as to these Feuds. [4] Probably a brother-uterine, by another marriage. [5] He is named *James* in all the Peerages, &c. *Hugh*, the preceding Lord, died *anno* 1549.

Parifh Clerk of Carnwethe, were replegiated to the Regality of Glafgow, for Mutilation of John Wilfoun, and other crimes contained in their Letters.—HUGH SOMERUILE brother of LORD SOMERUILE,[1] John S. alias *Johne of Begair* (*Biggar*) Symon Fyfcheare, and eight others, found furety (James Douglas of Drumlangrig) to underly the law for the faid Mutilation, at the next Aire of Lanark.

Slaughter.

Nov. 20.—PATRIK DUNBAR, young Laird of Cumnok, denounced rebel and put to the horn, along with David Dunbar his ferwant, and James Ogilvy, for not underlying the law for the Slaughter of Thomas Ruffell; committed in Jan. 1553-4, in the houfe of Archibald Alexanderfon, in Balnageiche. JOHN EARL OF SUTHERLAND was amerciated in 200 li. and 400 merks, for not entering them to underly the law.—(Jan. 31, 1554-5.) George Dunbar of Cumnok, John Chifholme fen., and John C. jun., found Sir George Meldrum of Fivy, knt., as furety for their underlying the law for the faid crime, at the next Aire of Elgin and Forres.

Slaughter of a Son of the Laird of Altyre, &c.

ALEXANDER DUNBAR OF CUMNOK, Patrik the young Laird of Cumnok, and thirty-four others,[2] were put to the horn for the Slaughter of James Cummyng in Dollacebrachty, (fon of Alex. C. of Altyre.[3])—Their cautioners were amerciated for their non-appearance.[4] Sir Alexander Duf Chaplain was replegiated by the Bifhop of Moray.—James Earl of Morton was amerciated for not producing the Letters duly executed and indorfed, purchafed by the blood-relations of James Cummyng, &c.—(Jan. 31, 1554-5.) The Laird of Cumnok and Nicholas Gilzeane in Monachy, found Sir George Meldrum of Fivy, knt., as furety for their entry at the next Aire of Elgin and Forres, to underly the law for art and part of the Slaughter of the faid James Cummyng, and Wm. C. in Prefley, Patrick C. in Dunneyne, Andrew M'carreis in Dolacebrachty, Canit (Kenneth or Canute?) Dow in Bank of Murray, and Fynlay Rannalfoune, Officer of the faid Alexander; committed on Jul. 19 laft, at Clunerny.

Fire-raising—Burning houses and sheillings.

PATRICK GRANT, brother of John Grant of Ballindalloch, found the Laird as furety for his underlying the law at the next Aire of Elgin and Forres, for Fire-raifing, and burning certain houfes and fheillings on the lands of John Grant of Karroyne, called Rownay and Clochetlace, committed in June laft.

[1] This person was brother of James, *sixth* Lord Somerville, and was the ancestor of the Family of Spittal. [2] The only persons of note were James and John Vrquhard, brothers of the Laird of Burriszardis. [3] See Jan. 30, 1554-5. [4] From 100 l. to 40 l., according to their rank.

Slaughter of the Laird of Leidcrieff and his Son — Feud between the Drummonds and Blairs, &c.

[As, in reference to the numerous DEADLY FEUDS which, unhappily, both preceding and subsequent to this period, convulsed the state of civil society in Scotland, the Editor is, through the kindness of his friend, *David Laing, Esquire,* enabled to lay before the reader an interesting extract from THE HISTORY OF THE FAMILY OF DRUMMOND, which has just been printed, under his superintendence, for private distribution only.

In various parts of this work, it may be seen that the various families of the Blairs of Balthayok and Ardblair, the Charteris' of Kinfawnis and Cuthilgurdy, the Drummonds, and several other Barons and Lairds in those parts of Perthshire, were constantly involved in Feuds with each other, and occasionally with burgesses and citizens of Perth, &c. One of the most deadly of these domestic broils is contained in the following PAPERS, which have lately been taken from the Originals, still in the possession of Henry Home Drummond of Blair Drummond, Esquire, and of which, so far as the Editor is aware, no memory is elsewhere preserved. Without specially noticing the numerous other Trials and proceedings in this work connected with such Feuds, the Editor begs merely to refer to them generally.

The subject is thus introduced in the body of the history[1] above mentioned:—'GEORGE DRUMMOND, the sone of John, succeeded, who appearantly purchased the lands of Newton of Blair, for he is the first whom we understand to have been styled *George Drummond of Blair.* He married Jannet Halyburton of Buttergask; she had to him tuo sones, George, who succeeded, and William Drummond. George Drummond, the father, and William, his youngest sone, were both treacherously killed together, at an unhappy rencounter by the . . . . . .,[2] upon the 3d of June, 1554; bot most of them that were present, or guilty of the Slaughter, were either brought to publick Execution, or by theire submissions and satisfactions made theire peace with the parties wronged, as appeares by theire applicationes extant.' The PAPERS above referred to follow.

I. SUMMONS *for apprehending and bringing* THE LAIRD OF GORMOK[3] *and his accomplices before* THE QUEEN AND PRIVY COUNCIL, *Jun.* 13, 1554.

MARIE be þe grace of God, Queine of Scottis, to oure shiref of Perth and his deputis, and to our louittis, Archibald Campbell, Thomas Drummond, messengeris, our scheriffis specialie constitute, greting: ffforsamekle as it is humlie menit and complenit to ws be oure louittis, the wiffe, barnis, kin, and friendis of vmquhile GEORGE DRUMMOND OF LEIDCRIEF, and Williame Drummond his sone, vpoun WILLIAME CHALMER OF DRUMLOCHIE, Williame Rory, George Tullydaf, Williame Chalmer, &c., George McNesker, fidlar, his howshaldmen; Robert Smyth (and Cotters,) tennentis to þe Laird of Drumlochie; Johnne Blair of Ardblair, Andro Blair, Thomas Blair, his sonis, David McRaithy, his houshald man, Patonr Blair, (and two others,) tennentis to the said laird of Ardblair; Williame Chalmer in Cloquhat, Alexander Blair, half bruther to Johnne Buttir of Gormok, Williame Buttir, Dauid Blair of Knokmaheir, Johnne Blair, Patrik Blair, his sonis, Williame Young of Torrence, and Thomas Robertson, tennentis to þe said Laird of Gormok; quhilkis, with þair compleces, with convocatioun of oure liegis to þe nomer of lxxx personis bodin in feir of weir, with jakkis, coittis of mailȝe, steil-bonettis, lance staffis, bowis, lang culveringis, with lychtit lunttis,[4] and vþirris wappinis invasiue, recentlie vpoun Sounday þe thrid day of Junij instant, befoir none, off þe counsaling, deuysing, causing, sending, command, assistence, fortesseing, and ratihabitioun of þe said Johnne Buttir of Gormok, come to þe said vmquhile George Drummondis, PERROCHE KIRK OF BLAIR, to haif slane him þe said vmquhile Williame his sone, and vþirris being with him in company: And becaus þai culd nocht cum to þair peruersit purpois, þai passit to the Laird of Gormokis PLACE OF GORMOK, and þair dynit

[1] Page 118. [2] Left blank. [3] The reader will find that he was denounced Rebel on Aug. 4 preceding, for not underlying the law, as being art and part of this Slaughter. See 1, * 367. [4] Matches.

with him, and ſend furth ſpyis to await vpoun þe ſaid vmquhile George and his cumpany, quhen þai come furth of his Place of Blair: And being aduerteiſit be þe ſaidis ſpyis, þat he wes cumin furth of his ſaid Place, þai with þair compleces with þe ſaid Laird of Gormokis howſhaldmen and feruandis, bodin in feir of weir, of his cauſing, ſending, deuiſing as ſaid is with convocatioun of oure lieges to þe nomer of lxvi perſonis, þe ſamin day, at twa houris or þairby eftir none, iſchit furth of þe ſaid Laird of Gormokis Place foirfaid, and vmbeſet þe gait to þe ſaidis vmquhile George and Williame, his ſone, quhair þai wer dowblate allane at þair paſtyme play, and at þe row-bowlis[1] in þe Hie Marcate gait beſide þe KIRK OF BLAIR, in ſobir maner, traiſting na truble nor harme to haif bene done to þame, bot to haif levit vnder Goddis peax and ouris, and þair crewellie ſlew þame, vpoun auld Feid and forthocht felony, ſet purpois and proviſioun, in hie contemptioun of oure auctoritie and lawis, gif ſabe. OURE WILL IS HEIRFOIR, and we charge 3ow, ſtraitlie, and commandis, þat incontinent þir oure letteris ſene 3e tak ſicker ſouertie of þe ſaidis perſonis and þair compleces, committaris of þe crymes abouewrittin, in maner foirſaid, ſamony as þe ſaidis complenaris will mak faith beſoir 3ow, wer arte and parte þairof, and gevis þair names to 3ow in bill,[2] that þai ſall compeir and vnderly oure law for þe ſamin beſoir oure Juſtice or his deputis, in oure tolbooth of Edinburcht, þe thrid day of Julij nixttocum, vnder þe panis contenit in oure Actis of Parliament: And þat 3e charge þame perſonalie, gif þai can be apprehendit; and fail3eing þairof, be oppin proclamatioun at þe mercate croce of þe ſaid heid burcht of oure ſhyre, quhair þai duell, to cum and find þe ſaid ſouertie to 3ow, within ſex dais nixt eftir þai be chargeit be 3ow þairto, vnder þe pane of rebellioun and putting of þame to oure horne: The quhilk ſex dais being bipaſt, þe ſaid ſouertie nocht fundin to 3ow in maner foirſaid, that 3e incontinent þairafter denunce þe diſobeyaris oure rebellis, and put þaime to oure horne; and eſcheit and inbring all þair movable gudis to oure vſe, for þair contemptioun. AND als, þat 3e ſummond ane Affis heirto, ilk perſoun vnder þe pane of fourty pundis: As 3e will anſwer to ws þairupoun. The quhilk to do we commit to 3ow, conjunctlie and ſeuerallie, oure full power, be þir oure lettiris, deliuering þame be 3ow, deulie execute and indorſate agane to oure Juſtice Clerk. GEVIN vnder oure Signete, at Edinburcht, þe xiij day of Junij, and of oure regnne þe twelft 3eire. (1554.) *Ex deliberatione Dominorum Conſilij.*[3]

II. THE OFFERIS *offerit be the Laird of Gormok, &c., to Young George Drummond of Blair, for the Slauchtir of his Fathir.*

THIR ar þe OFFERIS quhilk þe LORDIS OF GORMOK, DRUMLOCHYE, and ARBLAIR, and þar Collegis OFFIRIS to MY LORD DRUMMOND, and to þe ſonn of vmquhill George Drummond, his wyf and barnis, kyne and frendis, &c.:—

ITEM, *In primis,* To gang, or caus to gang to þe four heid Pilgromagis in Scotland.

Secundlye, To do ſuffrage for þe ſawll of þe deid, at his Paroche Kirk, or quhat vþir Kirk þai pleys, for certane 3eris to cum.

Thridlye, To do honour[4] to þe kyne and frendis, as efferis, as ws is.

Ferdly, To aſſyth, þe partye is content to gyf to þe kyne, wyf, and barnis, I^m. [1000] merk.

Fyfthlye, Gif þir Offiris be nocht ſuffecyent thocht be þe partye and freudis of the deid, we ar content to vndirlye[5] and augment or pair,[6] as reſonabill frendis thinkis expedyent, in ſo far as we may leſsumlie.[7]

III. ANSWERIS *by my Lord Drummond, &c., to the above* OFFERIS.

THIR ar þe ANSWERIS þat MY LORD DRUMMOND, his kyne and frendis[8] makis to þe OFFIRIS preſentlye gevin in be þe Lardis of Gormok, Drumlochye, and Arblair, vycht þar collegis:—

[1] A game similar to what is now termed *Bowling.* [2] Roll. [3] In the original document this is followed by the attestation of JAMES BANNATYNE, notary-public, that the messenger had duly published the said Letters, &c. [4] Referring to the homage usually exacted in those days, viz.—The culprit appeared before the nearest in kin, (the avenger of blood,) or the Chief of the Family, and in presence of the other blood-relations of the deceased, having a halter round the neck, and, after kneeling, he offered his naked sword by the point, humbly asking forgiveness, &c. [5] Submit. [6] Reduce. [7] Lawfully; conform to law. [8] Kin and blood-relations.

Item, As þe firſt, ſecund, and thrid artickill, þai ar ſa generall and ſempil in þe ſelf, þat þai requyr na anſver.

Item, As to þe ferd artickill, offring to þe kyne, frendis, wyf and barnis of Georg Drummond I^m^. [1000] merk for þe committing of ſa heych, crewell, and abomenabill Slaychtiris and Mwtillationis, of ſet purpos, devyſit of ald be þe Lard of Gormok, and Georg Drummond his ſone, nor nane of his frendis nevir offending to þame, nather be drawing of blud, takin of Kirkis, takis, ſtedingis, or rowmis our ony of þair hedis,[1] or þar frendis; ſa, in reſpect heirof, my Lord Drummond, his kyne, frendis, the vyf and barnis of Georg Drummond, cane on nawayis be content heirwyth.

IV. The Offeris *of Williame Chalmer of Drumlochy for hym ſelf, Williame Chalmer his Couſing, George Twlydaf, Williame Chalmer, Johne Fydlar, James Key, Johne Burry, Johne Wod, his Seruandis.*

In þe first, þe ſaid Williame offeris to compeir befoir my Lord Drummond, and þe remanent frendis of vmq^le^ George Drummond, and þair to offer to his lordſchip, and þe party, ane nakit ſwerd be þe poynt; and ſiclike to do all vþer honour to my lord, his hous and frendis, þat ſall be thocht reaſonabill in ſiclike caiſes.[2]

Item, Offeris to gif my Lord and his airis his Band of Manrent, in competent and dew forme, ſik as may ſtand with þe Actis of Parliament and lawis of þis realme.[2]

Item, Becaus throw extrame perſecutioun be þe lawis of þis realme, þe ſaid Williame hes nother landis, gudis, nor money, he þairfoir Offeris his ſonis Mariage to be mareit vpone George Drummondis dochter, frelie, without ony Tochir: And ſiclike þe Mariage of þe ſaid Williame Chalmer, his couſing, to þe ſaid George ſiſter.

Item, the ſaid William Offeris hym reddy to ony vþer thing quhilk is poſſabill to hym, as pleis my Lord and frendis to lay to his charge, except his lyfe and heretage.

V. *The Layrd of Drumloche, Band of Manrent.*

Be it kend till all men be þir preſent lettiris, me Williame Chalmir of Drumlochie, that fforſamekle as ane noble and michty lord, Dauid Lord Drummond, and certane vþeris principalis of the four brancheis and maiſt ſpeciall and nerreſt of þe kin and freindis of vmquhile George Drummond of Leidcreif, and Williame Drummond his ſone, for þame ſelffis, and remanent kin and freindis of þe ſaidis vmquhile George and Williame, hes remittit and forgevin to me þair Slauchteris, and gevin and deliuerit to me þair Letteris of Slanis þairvpoun; and þat I am obliſt, be vertew of ane contract, to gif þe ſaid noble lord my Band of Manrent; as þe ſaidis Contract and Lettir of Slanis, deliuerit to me, fullelie proportis: Thairfore to be bundin and obliſt, and be thir preſent lettiris, bindis and obliſsis me and my airis, in trew and aufald[3] Band of Manrent to þe ſaid noble and mychty Lord, as Chief to þe ſaidis vmquhile George and William his ſone, and þe ſaidis Lordis airis, and ſall tak þair trew and aufald part, in all and ſindry þair actionis and cauſis; and ride and gang with þame þairin, vpoun þair expenſis, quhen thay require me or my airis þairto, aganis all and ſindry perſonis, our Souerane Lady, and þe auctoritie of this realme alanerlie exceptit: And heirto I bind and oblis me and my airis to þe ſaid noble and michty Lord, and his airis, in þe ſtraiteſt forme and ſicker[4] ſtile of Band of Manrent þat can be deuiſit, na remeid[5] nor exceptioun of law to be proponit nor allegit in þe contrair. In witnes of þe quhilk thing, to þir preſent Lettiris and Band of Manrent, ſubſcriuit with my hand, my ſeil is hungin, At Edinburcht, þe fift day of December, þe ȝeir of God ane thouſand five hundreth fiftie aucht ȝeris, Befoir þir Witneſſis, Andro Rollok of Dunerub,[6] James Rollok his ſone, Johnne Grahame of Gormok, Maiſter Johnne Spens of Condy, and Laurence Spens his bruther, with vthers diuers.

Wilȝam Chalmir of Drumloquhy.

[1] This cirumstance is still considered as most insulting and oppressive by the tenantry in many parts of Scotland. [2] See No. V. [3] True, sincere; literally *one-fold*, in contradistinction to *double*, deceitful, &c. [4] Sure, secure. [5] Remedy, plea in the contrary, &c. [6] Ancestor of Lord Rollo.

It seems unnecessary to add any thing to the melancholy picture which is here given, as to the frightful consequences which, necessarily, must have been produced on the general state of society in this country, by the perpetual occurrence of such barbarous contentions.]

Dec. 12.—PATRICK BLAIR, in Ardblair, and Robert Smyth in Drumlochy, *alias Henry*, Convicted of the Slaughter of George Drummond, and William his ſon.[1]—BEHEADED.

On Nov. 16 preceding, George Gordoun of Scheves, James Gordoun of Leſmore, and Gilbert Gray of Scheves, found caution to underly the law at the next Aire of Aberdeen, for Reſetting, Intercommuning, and Supplying *William Chalmer of Drumlochy* and his complices, rebels and at the horn, for the foreſaid Slaughter; and for affording them meat, drink, and other neceſſaries, in the months of July and Auguſt laſt.

Hurting and Wounding.

Dec. 19.—ALEXANDER HOPPRINGILL OF CRAIGLETHE, and George his ſon, convicted of art and part of the Oppreſſion done to David Hoppringill, ſon of Alex. H. of Trynlieknowis, in Hurting and Wounding him to the effuſion of his blood in great quantity, committed on Jul. 15 laſt, he being for the time in the 'hauche' of the water of Caldane, near Trinlieknowis, keeping his father's cattle.—Walter Riddell of that Ilk became ſurety for them.

Slaughter — Invasion — Wounding — Mutilation.

Jan. 31, 1554-5.—ALEXANDER CUMMYNG OF ALTER, John Cummyng called *Franche Johne*, John Cuke alias *Blak dog*, John Cummyng Owre, Thomas Tailzeour in Tulyduvy, and John T. in Socothe, found JAMES EARL OF MORTOUNE as ſurety for their underlying the law at the next Aire of Elgin and Forres, for art and part of the cruel Slaughter of Alexander M^c^gilleiſe, at the Pariſh Church of Edynkilzie; committed in March 1553, of forethought felony: AND alſo, for art and part of 'Umbeſetting the way' of Patrick Dunbar young Laird of Cumnok,[2] and his ſervants, between the Weſt ſide of the water of Duvy and the hill of Clumnerny; committed upon Jul. 19 laſt; and there cruelly Invading them for their Slaughter; and for Wounding the ſaid Patrick in his leg; and for Mutilating Hugh Myll, his ſervant, of his right leg; and for Hurting and Wounding ſundry other of his ſervants, in divers parts of their bodies.

Slaughter — The Pannel before Conviction permitted to assign a Reversion to Lord Gray.

Feb. 4.—NICHOLAS RAMSAY Convicted of art and part of the cruel

[1] See I, * 367. [2] See Nov. 20, 1554, &c.

Slaughter of Patrick *alias Pawtoune* Henry. Beheaded.—(On the margin of Record,) 'Nota. þe ſaid Nycholl before his Convictioune, maid þe Lord Gray, in Jugement,[1] his ceſſioner and aſſignay, *in vberiori forma*, to þe Reuerſioune maid to him be Alexander Raa, anent þe lowſing fra him of ane foirland in þe burcht of Perth, beſid þe Fiſche-mercat.'

Fire-raising—Burning of Corns.

Feb. 9.—Robert Patersoun Convicted of Fire-raiſing and burning the corns of Sprowſtoune, belonging to James Commendator of the Monaſteries of Calco (Kelſo) and Melrose; committed in the month of November laſt.—Hanged.

Forging a Discharge in the name of an Italian, &c.

Apr. 1, 1555.—William Lawder, Thomas Fothringhame, and Robert Melvile, came in Will for Forging and Falſifying a counterfeited Letter of Acquittance, dated at Edinburgh, Oct. 12, 1550; whereby Francis Caſar, Italian, diſcharged the ſaid Thomas of the ſum of fifty golden Crowns of the ſun. Which acquittance was ſubſcribed by the ſaid William, as a Notary Public; and was afterwards found to be falſe and forged, before the Lords of Privy Council, and a Decreet pronounced at the inſtance of Martin *alias Mawryne* Oliuer, ſervitor to the Lord Dosell, Lieutenant of *the King of France*, dated Feb. 24 laſt: And the ſaid *Thomas*, by the procurement of the ſaid William, for cauſing the ſaid falſe acquittance to be forged and ſubſcribed, and uſing the ſame: And the foreſaid Robert for his inventing, cauſing, counſel, art, part, and aſſiſtance given to the foreſaid William and Thomas.—Sentence. To be conſidered Infamous in all time coming, and their teſtimony never to be thereafter received: And that they ſhould never enjoy any dignities, offices, or honors, either in judgement or outwith the ſame: And to be Banished from this kingdom, and never to return without the Queen's ſpecial Licence: And all their moveable goods to be Eſcheated.

Receiving the Holy Sacrament while under Excommunication.

Apr. 26.—William Cunynghame of Lagland found James Hammiltoune of Fynnert knt., as ſurety for his underlying the law at the next Juſtice-aire of Air, for infringing the Acts of Parliament, in bearing ſentence of Excommunication for year and day, and receiving the Holy Sacrament, while in that ſtate.[2]

[1] In Court. [2] See Jun. 26, 1554. There are many similar instances of prosecution for this offence, which was deemed one of a heinous and aggravated nature, especially previous to the Reformation, when the consequences of Church censures were very formidable. See Appendix, &c.

Convocation — Oppressing the Laird of Innes.

Apr. 30.—ALEXANDER PRIOR OF PLUSCARDIN, Mr David Dunbar Dean of Murray, Sir Thomas Rofs Chaplain, and Alex. Dunbar Parifh Clerk of Raffert, were replegiated by Patrick Bifhop of Murray, for Convocatioun of the lieges, and Oppreffing the Laird of Innes and his fervants, in the month of January laft: Sureties, James Dunbar of Tarbert, and Alex. D. of Cunȝie.—Gawin Dunbar Rector of Rofkyne, and James Dunbar Parifh Clerk of Cumnok, were replegiated by the Bifhop of Rofs, the Archbifhop of Glafgow, &c.

Convocation — Sacrilege — Invading the Prior of Pluscardin, &c. in presence of the Holy Sacrament — Hurting and Wounding.

May 2.—WILLIAM INNES OF THAT ILK, and thirty-two others,[1] found John Lord Borthwik furety for their underlying the law at the next Aire of Elgin and Forres, for Convocation of the lieges to the number of eighty perfons, armed in warlike manner, and coming within THE CATHEDRAL CHURCH OF ELGIN, during Vefpers, and there cruelly Invading ALEXANDER, PRIOR OF PLUSCARDIN, Mr David Dunbar, Dean of Murray, Alexander D. of Conȝe, James D. of Tarbert, and fundry others of their friends, for their Slaughters, in prefence of the Holy Sacrament: AND alfo Hurting and Wounding James D., fon of the Laird of Tarbert, and Alexander Swyne, in fundry parts of their bodies; committed upon ancient ffeud, certain purpofe, and forethought felony, on Jan. 1 laft: AND for other crimes contained in the Letters.

Feud between the Dunbars and Inneses, &c.

JAMES DUNBAR OF TERBERT, David Dunbar of Bennagefeild, Jafper Waufe of Lochflin, and ten others, found furety to underly the law at the next Aire of Elgin and Forres, for Convocation of the lieges, in warlike manner, to the number of fixty perfons, under filence of night, and coming to THE CATHEDRAL CHURCH OF MURRAY, and there Invading William Innes of that Ilk and his fervants for their Slaughters, on Jan. 1 laft; committed upon ancient ffeud, forethought felony, certain purpofe, and provifion.

SUPPLICATION *of the* ASSISORS *to* THE QUEEN, *with her deliverance thereon.*

THE quhilk day comperit GILBERT MENȝEIS, fone and apperand air to Thomas Menȝeis of Pitfoddellis, Proweft of Abirdene, in name and behalf of Alexander Jaffray, baxter, Johne Arclay, cordinar, Alexander Reid, tailȝeoure, for þame and þe remanent puir Craftifmenne of þe burcht of Abirdene, and gaif in þis SUPPLICATIOUNE vnderwrittin, maid be þame to þE QUENIS grace, DOWARIARE and REGENT OF SCOTLAND, deliuerit and fubfcriuit be hir grace, in maner following; and defyrit þe famin to be regeftrat and infert in þe buikis of Adiornale, and to be admittit be þe Juftice-Principall:

[1] Among the number are James Innes of Monbenys, John Innes, brother of James Innes of Dranye, Andrew, son of James Innes of Lewcharis, Andrew Innes, alias '*Cow the jegat*,' Andrew Innes, called '*the scolar*,' &c.

The quhilk desyre þe said Justice-depute thocht resonable; and þairfore ordanit þe said Supplicatioune and þe Quenis grace deliuerance and ansuer gevin þairupoune to be regestrat and insert in þe saidis bukis of Adiornale, and hes admittit and admittis þe samin; off þe quhilk Supplicationne and deliuerance þe tennour followis:

'Madame, vnto ȝoure grace huimlie menis,[1] We, Alexander Jeffray, baxter, Johnne Arclay, cordinar, Alexander Reid, tailȝeoure, for ws and þe remanent puir Craftismen of þe burcht of Abirdene: That quhair we ar new summond to pas vpoune þe Assise betuix þe Innesses and Dunbarris, like as we haue bene, diuerse tymes, þis ȝeire, summond of befoir, be ȝoure gracis Pursevewantis and Messingerris, to pas vpoun Assise in actionis distant fra ws fourty, fifty, and lx of mylis, þat we knaw na thing þairof mair nor þai þat duellis in Jherusalem:[2] And swa, Ma dame,[3] we ar hevely trublit and herreit[4] heirthrow, be faill,[5] abvse, and misordour of þe said Pursewantis and Messingeris þat will nocht summond Lordis, Lairdis, and Barronis, as wes wount to be done in all tymes bigane, past memour of man, quhill[6] þis instant ȝeir bigane, þat þai haue brocht of ane new vse, by[7] ȝoure gracis mynd, as we beleif, to summond puir burges men and puir craftismen, and speciallé of ȝoure said burcht of Abirdene, quhilk hes bene foure or five tymes heir sen þis tolmond, and all alluterlie[9] herreit þairthrow. Quhairfoir we beseike ȝoure grace, þat we þat ar puir inhabitantis of ȝoure said burcht may haue ȝoure grace pardoune and exemptioune to remane and bide at hame, nochtwithstanding þe Summondis þat ar to cum vpoun ws, wont[10] it be for actionis done within þe said burcht, or thré mylis about þe samin: And ȝoure gracis ansuer heirupoune huimlie we beseik.—(Sic retroscribitur) Apud *Edinburcht primo Maii anno Im Vclvto.* Fiat vt petitur. Marie R.

Selling French Wines at too high a price.

May 4.—George Hume, residing in the Town of Leithe, Walter Cant, and thirteen others, indwellers there, and burgesses of Edinburgh, found surety to underly the law at the next Aire of Edinburgh, for Selling French Wines[11] at higher prices than fixed by the Queen's Proclamation of Dec. 7 last, under the pain of forfeiture of their whole moveable goods, viz. for each tun of '*Burdeouse*'[12] and '*Angew*'[13] Wine 20 l., and in retail at x d. per pint; 'Rochell,' 'Scherine,'[14] and 'Cuneȝeoche,'[15] 16 l., and in retail viij d. per pint.

Slaughter and Wounding of French Soldiers — Jurisdiction and Privilege of the Church Courts.

May 22.—Mr Mark Ker and the Laird of Coldingknowis dilaited for the Slaughter of vmq[16] . . . . de la Vigne: And for Hurting and Wounding of . . . . Lespine, 'corporale of Capitane Galȝeartis Cumpany,'[16] . . . . . Bruslie in sundry parts of his body, and other Frenchmen; committed at Newbottill, in April last. 'Comperit Maister Mark Ker, in presence of þe saidis Justice-deputis, and desyrit to be replegit, as he þat wes ane Kirkman, to his Juge Ordinare:' 'And þe Laird of Coldinknowis offerit him reddy to vnderly

[1] Humbly complain. [2] We know no more of than they who dwell in Jerusalem. [3] And so, Madam. [4] Pillaged. [5] Failure in duty. [6] Until. [7] Against, contrary to. [8] Twelve months; this year past. [9] Altogether, entirely. [10] Unless, excepting. [11] See Mar. 21, 1549-50. [12] Bourdeaux. [13] Anjou. [14] Rochelle and Sherry, or Xeres. [15] Cogniac? [16] See repeated notices of these persons in the Appendix.

þe law for þe ſaidis crymes—and þai bayth proteſtit þat þair ſouerteis be relevit, becaus þai wer reddy to entir.'

DEBATE *as to the Jurisdiction of certain Church Courts.*

Jun. 1.—COMPERIT *Maiſter James Balfoure*, Officiall of SANCTANDROIS, within þe Archedenerie of Lowthiane, vnder proteſtatioune, þat þe ſaid Maiſter Markis comperance in þe ſaid Juſtice Court hurt nocht þe eſtate nor priuilege of þe Kirk; and, as Ordinare to þe ſaid Maiſter Mark, deſyrit him to be replegit, *verbo.*—Comperit alſua *Sir William Bannatyne*, Chaplane, as Commiſſar to þe ARCHEBISCHOPE OF GLASGW, be his Commiſſioune producit in Jugement, ſpeciallie conſtitute, and þairby deſyrit þe ſaid Maiſter Mark to be replegit furth of þe ſaid Juſtice Court, for þe ſaid cryme, to þe Juriſdictioune of þe ſaid Archebiſchope; and in caiſe þe ſaid Juſtice-depute wald nocht ſuffer him to be replegit be virtew of þe ſaid Commiſſioune, proteſtit þat þe ſamin hurt nocht þe ſaid Archebiſchope in his juriſdictioune foirſaid.—Mr James Balfoure and *Maiſter Dauid M^cgill*, vnder proteſtatioune þat þai admit nocht þe Juſtice to gif Interloquitour vpoune þe allegeances following, *niſi quantum de jure*, allegit þat þe ſaid Maiſter Mark ſuld be replegit to þe juriſdictioune of þe Archebiſchope of Sanctandrois, and aucht to be preferrit in replegiatioune to þe Archebiſchope of Glaſgw, be reſſoun he hes producit ane Teſtimoniale of his Ordour of Crownebennet,[1] berand þat he wes Scolare in þe dyocy of Sanctandrois: And als allegit, þat he wes borne within þe ſaid dyocy, in þe Caſtell of Edinbur^t, and maid reſidence continwalie within þe ſamin dyocy, viz. within þe Place and toun of Newbottill or Ed^r: And als, þat þe allegit cryme he wes to be accuſit of wes committit within þe ſaid dyocy of Sanctandrois: And forther allegit, þat he hes na Benefice within þe dyocy of Glaſgw; and þat he hes demittit þe Benefice of Maſſindew,[2] in Jedburcht, quhairby þe ſaid Biſchope of Glaſgw allegit him to be ordinar to þe ſaid Maiſter Mark; like as he preſentlie, in preſence of þe ſaid Juſtice Depute, dimittis þe ſamein: And attour,[3] offerrit þe Laird of Haldane cautioune for juſtice to be done, &c., and aſkit inſtrumenttis vpoune þe allegeances and Offir foirſaidis.

High Treason — Swearing fealty to the Protector of England, &c.

May 24.—GEORGE WAUCHOPE, burgeſs of Lauder, produced a Remiſſion for taking aſſurance upon himſelf and the other Inhabitants of the Town of Lawder, in October 1547, during the time of the building of the Fortalice of Roxburghe, with THE ENGLISH PROTECTOR, and LORD GRAY, his Lieutenant General; giving and granting his Bond and faith under his hand, that he and the other INHABITANTS OF LAWDER ſhould be faithful ſubjects to THE KING OF ENGLAND; and giving his oath of fealty, for obſerving the ſame: Which Bond was thereafter fulfilled, by his daily treaſonable riding in company with the ſaid Engliſh, conſulting and guiding them, as often as occaſion required, againſt her Majeſty's ſubjects, to their ſubverſion and ruin. ITEM, for his treaſonably leading THE PROTECTOR OF ENGLAND with his ARMY, immediately after THE BATTLE OF PYNKECLEUCHE, in October 1547, to the ſaid Town of Lauder, therein to remain in Caſtles, &c. and leading them, in bodies, to various parts of the country, for the deſtruction and ſlaughter of the lieges thereof. ITEM, for his leading, reſetting, ſupplying, intercommuning, and participating, continually, during the whole of the years 1552 and 1553, with Sir Walter Ker

[1] Having taken his degree; *Baccalaureus?* [2] *Maison Dieu.* [3] Furthermore.

of Cesfurde, Sir Andrew Ker of Hirſell, and Sir John Ker of Pharnihirſt, kn^ts^, their ſervants and accomplices, the Queen's Rebels and at her horn, againſt the Acts of Parliament. Item, for his treaſonably guiding the ſaid English Protector, the Earl of Warwik, Lord Gray, and the English Army, immediately after the Battle of Pynkécleuche, in the year 1547, they then being in England, to the Caſtlehill of Lauder, being the Queen's proper lands, where the ſaid Engliſh ſoldiers built a Fortalice, and fortified the ſame with warlike ſtores, to be kept againſt the Queen's lieges; and for inventing, treating, and conſulting with the ſaid Engliſh thereupon. Item, for treaſonably delivering to Ralph Bruier, Captain of the Fortalice of Roxburgh, and other Engliſhmen, being therein, an hundred daggers, with all kinds of grain which he could obtain; and aſſiſting and participating with them for the keeping and protection thereof. And alſo, for treaſonably revealing and ſhewing to the General at the Fortalice of Lauder, and to other Captains of Fortalices, during the time of their remaining in Scotland, all the ſecrets of this kingdom, which he had or could procure, to the hurt and leſion thereof, and to the advantage of the ſaid Engliſh: And for riding and going with them, for obtaining their ends, in all their deeds and conſpiracies againſt the kingdom of Scotland, as if he had been a native Engliſhman.

Slaughter of a Messenger at Arms.

Jun. 7.—John Blakcater, ſervant to the Earl of Bothuile, was denounced Rebel and put to the horn, and William Moncreif of that Ilk, his cautioner, was amerciated in the ſum of 500 merks, for his non-appearance to underly the law for art and part of the cruel Slaughter of James Lowis, Meſſenger at arms.

Selling Victual and Flesh in England.

Jun. 17.—Mungo Hunter, in Chirneſide, Convicted of breaking the Acts of Parliament in carrying fleſh into England.[1]—Robert Richartſoun and ſix others in Fuldene, and Patrick Gibſoun in Coldinghame, came in the Queen's Will for tranſporting Victual into England; and Alexander Crawfurde, and two other butchers in Coldinghame and Aytoun, came in Will for carrying fleſh into England.[2] A number of others were replegiated to the Regality of Dalkeith, were denounced Rebels, or came in Will for ſimilar crimes, about this period.

Remarkable Case of Piracy by Englishmen—Oppression, &c.

Jul. 3.—' Hilbert Stalfurde, in Kentſchire, in þe Toune of Der-

[1] George Lord Seytoun became his cautioner. [2] Cautioners to satisfy the Queen—George Ramsay of Dalhoussy, John Hwme of Hutounhall, and Alexander Hwme of Manderstoune.

ingtoune, Capitane ('*gra.*')[1]; Thomas Man in Northphok, borne within þe toune of Elſin,' and twenty-ſeven others, ('*gra.*') CONVICTED by an Aſſiſe,[2] choſen and ſworn by their own conſent, of Piracy and Oppreſſion done to the Queen's liege ſubjects, and to others, foreigners, in friendſhip and league with this kingdom, and navigating hither; and of coming upon them with a certain armed veſſel called 'KAIT OF LYNNE' at the times reſpectively following, in her Majeſty's ſeas, whilſt the ſaid lieges were making for the harbour of Leith, and by piratical force boarding their veſſels, and reiving and ſpoiling them of the goods under ſpecified, viz. ON Jun. 23 laſt, furth of 'ane hulk' of the town of Stateyne, then being in the harbour of Leith, a rope or 'kabill' containing 90 'fadummis,' three or four 'piſtolettis,' together with certain ſailor's dreſſes and canvaſs: ITEM, on Jun. 25 laſt, furth of a ſhip belonging to Robert Orknay, Scotſman, 34 'boundis'[3] of hemp,[4] ſeven barrels of the fineſt flour,[5] with nine pieces of wax: ITEM, on Jun. 20 laſt, of a ſhip of Adam Nycholſoune, in which Mr George Halkheid was for the time, twenty pieces of 'ſatyne' and 'dammeſe:'[6] Which goods the ſaid perſons judicially Confeſſed that they had ſtolen, and that they had fitted out their armed ſhip without any Licence or protection from their Prince, contrary to the common law of Nations.—SENTENCE. That they ſhall be HANGED as Pirates: And that their ſhip, with the foreſaid goods, and all that was therein at the time of capturing the ſame, ſhall be eſcheated to the Queen.

LIST *of the other* PIRATES, *with their punishment or acquittal.*

John Hupgame, borne in Northphok, and now duelland in Lyn, (*Suſpen.*); Thomas Baxter, borne in Newcaſtell, now duelland in Lyn, (*Suſpen.*); Edmond Williameſone, in Yorkſchire, borne in Kirkbemorſyde,[7] duelland in Twedmond, in Northumberland, (*Gra.*); Anthony Fitteplace, borne in Welſchire, now in Berrick, (*Gra.*); George Barrat, in Vngle, in Northhantonnſchire, now in Northhame, (*Gra.*); Johnne Wiſdome, borne in Anglisberry-hill, within v myle to Briſto, now ſoldiour in Berwik, (*Suſpen.*); Williame Prince, borne in Birkinſchire, now in Berwik, (*Gra.*); James Golf,[8] borne in Hamſchyre, now in Berwik, (*Gra.*); Phillope Withelak, borne in Denſchire, now in Berwick, (*Gra.*); Johnne Neillwing, borne in Northphok, now in Lyn, (*Suſpen.*); Nycholace Phillope, borne in Lyncumſchire, within þe toune of Bowſtoune, in Lyn, (*Suſpen.*); Mathow Crosfurde, borne in Yorkſchire, now in Lyn, (*Suſpen.*); Williame Vnthane, borne in Hartfurdeſchire, now in Berwik, (*Gra.*); Edward Wrycht, borne in Lifterſchire, now in Berwik, (*Gra.*); Robert Ra, borne in Carlile, now in Berwik, (*Gra.*); Robert Swentoune, borne in Yorkſchire, now in Berwik, (*Gra.*); Williame Bourſchaw, borne in Tynebriche, in Kentſchire, now in Berwik, (*Gra.*); Williame Lamb, borne in Gloiſterſchire, now in Berwik, (*Gra.*); Edward Campbell, borne in Newcaſtell, now pair, (*Gra.*); Johnne Hall, borne in Northphokſchire, now in Hunſtoune, (*Suſpen.*); Rolland Kaif, borne in Lundoun-

[1] The enumeration and description of these pannels are so remarkable, that it has been thought proper to append them to the Trial in a smaller type. Prefixed to each name on the margin is the word '*Suspen.*' or '*Gra.*' (gratia), the first denoting those who were HANGED, and the latter those who were afterwards PARDONED, or their sentence commuted. The two last, being Minors, were not convicted. [2] With the exception of William Lynlythgow of Drygranee, they were burgesses and residenters in Edinburgh and Leith. [3] Bundles? [4] *Canapis* (cannabis?) [5] Farine siliginis. Pliny uses farina *siliginea* in this sense, though *siligo* denoted an inferior or light sort of corn, yielding less nutriment than wheat. [6] Satin and damask. [7] Kirkby-on-the-muir-side? [8] Gough?

ſchire, now pair, (*Gra.*); Johnne Woddorat, borne in Kentſchire, now in Swakle, (*Suſpen.*); Symounne Mawſter, borne in Northphokſchire, now in Lyn, (*Suſpen.*); Robert Acheſounne, borne in Newcaſtell, now in Lyn, prenteiſe, (*Suſpen.*); Johnne Mortounne, borne in Cheſchyre, now in Berwik, (*Gra.*); John Moir, borne in Warwikſchire, now at Lundounne, (*Minor*); George Steill, borne in Gillſland, now in Norhame Caſtell, (*Minor.*)[1]

English Pirate — Oppression.

Jul. 6.—Thomas Stilberry, 'ſkipper' of the ſhip called Kait of Lyn, born in Linconſchyre, in Litiltoune, now in Hull, Convicted of the ſame crimes of Piracy, &c.—Hanged.

Wounding the Deputy-Keeper of the Queen's Park.

Aug. 21.—Robert Fiddes, ſon of James Fiddes in Preiſtisfield, Robert Bertilmo, and George Fokert, Convicted of art and part of Hurting and Wounding of William Ahannay, ſervant of the Laird of Craigemyllare,[2] being his deputy in keeping the Queen's Park, near Edinburgh; committed ſuddenly, on Jul. 6 laſt.

Ratihabition of Slaughter, Wounding, &c. — Imprisoning — Usurpation of the Queen's authority.

Nov. 8.—Dame Mariota Montgomery, Lady Symple,[3] Came in the Queen's Will[4] for Ratihabition[5] of the Slaughter of Gilbert Rankyne in Lecheland, committed by the ſervants of the ſaid Lady, Mar. 17, 1553, under ſilence of night: And for Ratihabition of the cruel Hurting and Wounding of John Fynné, and Mutilation of his arm; and for Hurting and Wounding of John Roger in ſundry parts of his body, to the effuſion of his blood, committed at the ſame time—by Reſetting of her ſervants, who had committed the ſaid crimes, red-hand,[6] that ſame night, within the Castle of Laven, immediately after the perpetration thereof: And alſo for Ratihabition of the taking and apprehending of Humphry Malcolmeſoun and Archibald Scherare, they being conducted by her ſervants on the ſame night to the Caſtle of Laven, ſeeing ſhe received them into her ſaid Caſtle: Item, for Incarceration and ſubjection of the ſaid perſons in the foreſaid Caſtle by the ſpace of twenty-four hours, without food or drink; thereby Uſurping the Queen's authority.

[1] The last two were not convicted, owing to their minority. [2] Simon Prestoune of that Ilk. [3] This lady is called Lady *Margaret* Montgomery in *Wood's Peerage*. She was eldest daughter of Hugh *first* Earl of Eglintoun; and was, at the time of this Trial, relict of William *second* Lord Sempill, who died *anno* 1548. There seems no doubt that her name was *Mariota*, she having been named after her mother, Mariota Seytoun, Mistress of Borthwick, and sister of George Lord Seytoun. *Wood's Peerage*, I, 499, and II, 493. [4] On the margin, 'Deletur, quo ad partem Regine, per preceptum. [5] Law Lat. *ratihabere*, confirmare, pro rato habere. [6] This is sometimes termed 'with *the bluidy hand*,' i.e. taken or detected in the very fact.

ASSISA *ſuper Domina Mariota Montgomery Domina Sympill.*

Johne Stewart of Fowbar,
Allane Houſtoune, in Fowbar,
Robert Lindeſay of Dunrod,
James Glenne of the Bar,
John Simpill of Fulwod,
Williame Wallace of Elriſley,
Patrik Glenne, bruþer to James,
Patrik Howſtounne of þat Ilk,
Dauid Lyndſay, in Glaſgw,
Hectour Stewart, in Raiſe,
Williame Cunynghame of Cunynghame-heid,
John Schaw of Berragane,
Matho Galbrayth.

John Campbell of Skippynche became ſurety for ſatisfying the parties—and alſo for the entry of EWFAME STEWARTE, at the next Aire of Renfrew, to underly the law for art and part of the Slaughter of the ſaid Gilbert Rankyne.[1]

Convocation — Hamesucken at the Monastery of Paisley.

Nov. 9.—MATHEW STEWARTE OF BARSCUBE, John Briſbane of Biſchoptoune, William Park and Thomas Briſbane, their ſervants, Thomas, ſon of John Marchell in Rowchbank, William his brother, William Briſbane, ſervant of Lord Sympill, John Stewarte, ſon of Jonet at the Brigend of Paiſley, and Williame Allaneſoune at the mill of Farmalkyne, found John Lord Erſkyne as ſurety for their entry, at the next Aire of Renfrew, to underly the law for Convocation of the lieges to the number of twelve perſons, armed in warlike manner, and for coming to THE MONASTERY OF PASLAY, by way of Hameſuckin, and there Invading John Hammyltoune, ſon of John H. of Ferguſlie, 'grynter'[2] of Paſlay, for his Slaughter; and for Mutilating him of his arm, committed on July 26 laſt: And for ſundry other crimes contained in their Letters,—John Allaneſoune was denounced Rebel, and put to the horn for not appearing.

Convocation — Invading James Lord Somervile.[3]

Nov. 22.—WILLIAM BAILLIE OF BAGBIE, Nicholas his brother, Michael Shorte his ſervant, and three others, were replegiated by James Earl of Mortoune, to his Regality of Dalkeyth, to underly the law on Jan. 17 next, for Convocation of the lieges to the number of ſix ſcore perſons, armed in warlike manner, and Invading JAMES LORD SOMERUILLE for his Slaughter; committed on Oct. 1 laſt. William Symontoune of that Ilk became ſurety.—JAMES and JOHN DALȝELL in Knowhobill, replegiated to the Regality of Boithuile by Archibald Earl of Angus; Robert Dalȝell of that Ilk being ſurety for their entry, and James Douglas of Todhillis for the due adminiſtration of juſtice.—JOHN SYMONTOUNE, Pariſh Clerk of Symontoune, and Robert Dalȝell, Pariſh Clerk of Dalȝell, replegiated by the Archbiſhop of Glaſgow.—JOHN MYRE of

[1] See Jan. 14, 1555-6. [2] *Granitarius*, one who keeps a store of Grain, a grain-dealer, or *girnall-keeper*. [3] See also Nov. 16, 1554, &c. for notices of these Feuds.

Anneſtoune, and forty-two others, found ſurety to underly the law for the ſame crimes at the next Aire of Lanark.

Feud between Lord Somervile and Lindsay of Cobynetoune.

Nov. 22.—Mr John Someruile, Rector of Libertoune, Michael S., Pariſh Clerk of Carnweth, Mr William S., Vicar of Kirkbane, Thomas S., Rector of Quodqwene,[1] and John Carmichael of that Ilk, Pariſh Clerk of Carmichael, were replegiated by the Archbiſhop of Glaſgow to underly the law before his next head Court, for Convocation of the lieges to the number of 100 perſons, and hindering John Lindeſay of Cobynetoune from coming to the head Court of the ſhire of Lanark, committed on Oct. 1 laſt.—James Lord Someruile became ſurety for the due adminiſtration of juſtice.—John Someruile, brother of Lord Someruile, Pariſh Clerk of Quodqwene, was alſo replegiated by the Archbiſhop of Glaſgow; Archibald Earl of Angus became ſurety for his entry, and for the due adminiſtration of juſtice.—James Chancellare in Newmanyis, and ſixty-eight others, found James Lord Somerville, Murray of Cokpull, and John Carmichael of that Ilk, as ſureties for their entry at next aire of Lanark, to underly the law for the ſame crimes.

Mutilation of the Laird of Craigingelt and his Son.

Nov. 26.—Mr Alexander Levingtoune of Donypace found William Lord Levingſtoune as ſurety for their entry at the next Juſtice-aire of Stirling, to underly the law for art and part of the Mutilation of John Cragyngelt of that Ilk, and Robert his ſon, of their left arms; committed within the burgh of Stirling, on Aug. 21 laſt.—(Jan. 8, 1555-6.) Henry Livingston in Falkirk, William and Thomas his ſons, and his three ſervants, found caution (the Laird of Doniphace) to underly the law at the following Aire of Stirling, for ſame crime.

Hurting and Wounding.

Nov. 28.—Robert Someruile,[2] brother-german of James Lord S., came in the Queen's Will, for art and part of the cruel Hurting and Wounding of John Lyndſay, natural brother of the Laird of Colbynetoune, to the effuſion of his blood; committed ſuddenly, on Jul. 7 laſt.

Oppression — Invasion, &c.

John Lyndsay of Cobynetoune, James Johnſtoune of Weſtraw,

[1] They were alſo replegiated the same day by the Archbishop of Glasgow, for the Hurting and Wounding of John Lyndesay, natural brother of the Laird of Colbyntoune, to the effusion of his blood; committed on Jul. 7 last, on forethought felony, Lord Somervile cautioner. [2] See Nov. 22, 1555, *Note*, &c. Reference may also be made to the Appendix.

and James Moffat, ſervant to the Laird of Cobyntoune, CONVICTED of the Oppreſſion done to John Someruile, brother-german to James Lord Someruile, in cruelly Invading him at Romeſchaw, and chaſing him to the dwelling-houſe of John Haithwye, officer of Archibald Earl of Angus in Gaitſyde, beſetting the ſaid houſe, and Invading the ſaid John for his ſlaughter; committed 'vpoune ſuddentie,' on Sep. 24 laſt.

Abiding from the Raid of Lauder, &c.

Dec. 17.—ALEXANDER GILLIES in Glenkirk, came in Will for contemptuouſly remaining from the Queen's army conveened at Lawder, May 14 laſt, to concur with and aſſiſt George Earl of Huntlie, Gilbert Earl of Caſſillis, and James Earl of Mortoune, having her highneſſes Commiſſion to puniſh and repreſs certain crimes and Slaughters committed upon the Borders of the kingdom; againſt the Proclamations made thereanent.—James Twedy of Drummelzear became cautioner.—John Lyle of Stanypethe, John Naper of Ballekinrane, and a number more, came in THE QUEEN'S will for the ſame crime. William Giffert of Sherefhall, the Laird of Gorrandaill, Lekky of Croy, and Mr Thomas Bonar, &c. were denounced Rebels, and put to the horn for not appearing to underly the law for the ſame crimes.

Intercommuning with the Laird of Ardwell, rebel, &c.

Dec. 19.—SIR JAMES M'CULLOCH, in Annyk, replegiated by the Biſhop of Whithorne, for art and part of Reſetting, Supplying, and Intercommuning with . . . . . M'Culloch of Ardwell, and Finlay M'Culloch, rebels and at the horn, for the cruel Slaughter of Patrick More, &c. The Laird of Lochinvar (John Gordoune) ſurety.—Thomas M'Clellane Tutor of Bombey, Michael M'C., his brother, Gothray M'Culloch of Ardwell, John M'C. in Barholm, Ninian Glendonyng in Partoune, Richard M'Ky of Myretoune, and John Akinzeane, found caution[1] to underly the law at the next Aire of Wigtoune and Kirkcudbrycht, for the ſame crime.

Common Theft—Reſett of Theft, &c.

Jan. 3, 1555-6.—JOHN ROBSOUNE, alias *Paulis Jok*, Convicted of Common Theft, Reſett of Theft, outputting and inputting thereof, &c.—HANGED.

Hurting and Wounding the Laird of Quhitefurde.

Jan. 7.—CHARLES POLLOK, (TUTOR OF THAT ILK,) Robert and David Pollok, and four others, Convicted of the Oppreſſion done to John Quhitefurde

[1] The Laird of Lochinvar and Sinclare of Auchinfranco.

of that Ilk, in Hurting and Wounding him on the Lands of Grenehillis; committed on Aug. 14 laſt, on ancient Feud and forethought felony.—Alexander Earl of Glencarne and Robert Lord Sympill became ſureties for ſatisfying the Queen and party.

Oppression — Hurting and Wounding the Tutor of Pollock.

John Quhitefurde of that Ilk, James his brother, and Archibald Baillie, Convicted of the Oppreſſion done to the ſaid Charles (Pollok, Tutor of that Ilk), in Hurting and Wounding him on the ſaid day on the foreſaid Lands. —Robert Lord Symple became ſurety to ſatisfy the Queen and party.

Assisa.

Johne Muir of Caldwell,
Johne Symple of Foulwod, (*f.*)[1]
Arch. Muir, broꝑ to Caldwell,
Johne Maxwall of Foulbar, (*f.*)
Thomas Craufurd in Newtoune,
Alexander Levingſtoune of Warrandhill, (*f.*)
Hew Craufurd of Kilbirny,
James Baillie, yᵉ of Carphin, (*f.*)
John Fairlye of þat Ilk,
Pat. Hammiltoune of Dalſerf, (*f.*)
Johne Menteith, (*f.*)
Gawin Baxter in Bothuile, (*f.*)
James Glenne of þe Bar,
Johne Craufurd of Craufurdland,
James Mowat, ſone to Charlis.

Convocation of the lieges — Invasion, &c.

Jan. 8.—John Cunnynghame of Glengarnok, Cuthbert C. of Cochrane, and Alex. C., his brothers, John C. of Croy, and thirty-two others,[2] found caution[3] to underly the law at the next Juſtice-aire of Air, for Convocation of the lieges to the number of thirty perſons, armed in warlike manner, and coming under ſilence of night, in July 1554, by way of Hameſucken, to the houſe of Humphrey Galbrayth in Eiſter Glenne, breaking up the doors thereof, entering the ſame, and ſearching for him for his ſlaughter; committed on forethought felony.

Oppression — Wounding — Mutilation.

Humphrey Galbrayth in Edinbellye, Walter G., brother of the Laird of Gartſchadden, James G. in Balquharne, and ten others, found caution[4] to underly the law at the next Juſtice-aire of Dumbartane, for Oppreſſion done to John Cunynghame of Glengarnok and Cuthbert his brother, in Hurting and Wounding them; committed on Aug. 10 laſt, on forethought felony; and for Mutilation of the ſaid Cuthbert of the thumb of his right hand.

[1] Those marked (*f.*) '*filed*,' or found the pannels guilty. [2] Among the number are Gilbert Clerk, stage-player, (*histrionem.*) On Feb. 28, 1555-6, John Browne, player, (*histrio*, which may, perhaps, be intended to denote a *mountebank* or *buffoon*,) in Avendale, found Sir James Hammyltoune of Crawfurde-Johne surety for his underlying the law at the next Aire of Lanark, for the Mutilation of John Weir, in Birkwod, of his right hand. [3] David Cunnynghame of Robertland and the Laird of Glengarnok. [4] George Buchquhannane of that Ilk, and James Galbrayth of Kilcreuche.

Oppression — Invasion.

JAMES GALBRAYTH OF KILCREUCHE, Walter his brother, James G. in Balquharne, John G. his ſervant, Humphrey, ſon of John G. in Bolgair, Humphrey G. in the Glenne, Humphrey G. in Bellye, and thirty-ſeven others, found caution[1] to underly the law at the next Aire of Dumbartane, for Oppreſſion done to John Lyle in Weſter Kilfaſſet, coming to his houſe in July 1554, of the cauſing, hounding, aſſiſtance, and ratihabition of James Galbrayth of Balquharne; and for breaking up his doors, under ſilence of night, and Invading him for his ſlaughter.

Slaughter.

Jan. 14.—ANDREW MONTGOMERY, Malcolm Allaneſoune, Andrew Park, and Allan Terbert, produced a Reſpite for art and part of the cruel Slaughter of Gilbert Rankyne, in Lecheland, committed on Mar. 17, 1553, &c.[2] The Earl of Glencarne, and John Campbell of Shippynche, became cautioners for ſatisfying the parties.—They alſo found caution to underly the law at the next Aire of Renfrew, for the Murder of the ſaid Gilbert, and for forethought felony.

Remission for a Slaughter — Replegiation.

Feb. 12.—WILLIAM NEWTOUNE OF THAT ILK, and John N. in Newtoune, produced a Remiſſion for art and part of the cruel Slaughter of John Crummy, burgeſs of Hadingtoune; committed on ancient ffeud, forethought felony, &c. in Oct. 1545. Patrick Sydeſerf of that Ilk, and Henry Ogill of Hartre-wod, became cautioners for ſatisfying the parties.—George Newtoune, in Muſſilburgh, was Replegiated for the ſame crime, by the Commendator of Dunfermeling, to his Regality of Muſſilburgh.

The Laird of Knockdoleane denounced for Slaughter.

Mar. 4.—ROBERT GRAHAME OF KNOKDOLEANE denounced rebel and put to the horn as fugitive from the law, for the Slaughter of Duncan M'gilwrik; committed in Nov. 1554, on forethought felony.—He was again denounced on Apr. 11, 1556.

Stealing a Silver Dish of the Queen Regent's.

Mar. 30, 1556.—DAVID MYRE in the Craig, within the ſhire of Air, found John Schaw of Haly as cautioner for his entry at the next Juſtice-aire of Air, to underly the law for art and part of the Theft and concealment, furth of

[1] Edmund Buchquhannane of Spittale, George Buchquhannane of that Ilk, James Galbrayth of Balquharne, and the Laird of Kilcreuch. [2] See Nov. 8, 1555.

the houſe of John Lord Maxwell, from her highneſs the Queen Regent, in the month of Auguſt laſt, of a ſilver diſh[1] marked with the ſaid Queen's Arms, and being her private property.—John Edȝare, burgeſs of Dumfreis, found ſurety[2] to underly the law at the next Aire of Dumfreis for the ſame crime; and Marjory Cunynghame, his wife, was denounced Rebel, and her moveables confiſcated as fugitive from the law.—(May 4, 1557.) She was allowed to come in the Queen's will.

Drumlangrig's Brother denounced for Slaughter.

Apr. 14.—John Dowglas, in Steppis, ſon of James D. of Drumlangrig, James Douglas, Andrew Paterſoun, and Thomas Doby, were denounced rebels and put to the horn for the Slaughter of William Dalȝell, brother to Robert Dalȝell of that Ilk; committed on May 8, 1555.—John Johnneſtoune of that Ilk, their cautioner, was unlawed for their non-appearance.

Hamesucken — Hurting and Wounding, &c.

May 5.—Dauid Seytoune, ſon of umq[le] William S. of Rungawy, Convicted for coming by way of Hameſuckin to the lands of Innerteill, on Feb. 18 laſt, and cruelly Hurting and Wounding of William Allerdeſe, ſtone-maſon, and Henry Buttir, in their heads and breaſts, to the effuſion of their blood: And for caſting Mathew Marſchell into the Water of Innerteill.—George Lord Seytoun became ſurety along with him for ſatisfying the Queen and parties.—(May 7.) Lord Seytoun became caution for his entry 'to ſuffer þe Declaratour of þe ſaid Juſtice,' &c. A number of others found caution on May 6, to underly the law at the next Aire of Fife for the ſame crimes.

Forging, erasing, and falsifying a Charter, &c.

May 18.—Andrew Drummmond of Balleclone Convicted by a condign Aſſiſe of art and part of fforgeing and ffalſifying a Charter of ffeufarm, pretended to have been granted by Alexander, Archbishop of Athens and of the Isles of Scotland, and perpetual Commendator of the Monaſtery of Inchechaffray,[3] of the lands of Balleclone, with the pertinents, excepting three

[1] The words of the record are '*vnius parapcidis argentei.*' Paropsis is used by *Suet.* and *Petron.* to denote a silver dish to serve up meat in. [2] Uchtred Edȝare of Nether Inglistoune, &c.

[3] This individual was the second son of John Lord Gordon by Margaret Stewart, natural daughter of King James IV, (by Margaret, eldest daughter of John Lord Drummond.) Having been elected by the Chapter Archbishop of Glasgow, and afterwards set aside by the Pope, who nominated James Beaton, Abbot of Aberbrothok, he got the titular Archbishoprick of Athens (*in partibus Infidelium*); was consecrated Bishop of the Isles, Nov. 26, 1553; and got the Commendatory of Inchaffray. In 1558, he was translated to the See of Galloway, embraced the Reformed Religion, and died in *anno* 1576.

ploughgates thereof, which he and . . . . . Henderſoune, parchment-maker, eraſed and altered from the firſt original Charter, granted to the ſaid Andrew, &c. in the year 1553.—SENTENCE. To be publicly led with his hands tied behind his back to the Market-Croſs of the burgh of Edinburgh, and there to have HIS RIGHT HAND STRUCK OFF and faſtened on a pole: AND thereafter to be BANISHED from the kingdom for life, and to be perpetually reckoned as INFAMOUS: And all his moveables to be eſcheated to the Queen.

(Jun. 13.)—HARY DRUMMOND OF RICARTOUNE became ſurety 'that he ſall departe furthe of þis realme within xv dayis nixt eftir þe day and dait of þis Act; and nocht to returne within þe ſamin, without oure ſouerane ladeis Licence had þairupoune, under þe pane of ane thowſand merkis.'

Stealing the Queen's sheep from her Park, Edinburgh.

May 18.—THOMAS BULLERWELL, 'delaittit of þe thiftuous Steling of certane ſcheip fra þE QUENIS grace furthe of hir Park of Ed^r, wes ordanit by þe Juſtice depute, of his awin conſent, to departe furthe of þis realme, within xx^ti dayis nixt eftir þe dait heirof, and to remane furth of þe ſamyn as BANIST; and nocht to returne þairin, without oure ſouerane ladeis Licence had þairupoune, vnder þe pane of deid.'

Oppression — Invasion, &c.

May 28.—JOHN SOMERVILE OF CAMNETHANE, William his brother, John S. in the Grene, and Alexander his brother, and others, dilaited of art and part of the Oppreſſion done to Robert Hammyltoune, in Garryne, on Apr. 4 laſt, in chaſing him from Cambuſnethane wood to the water of Clyde, to the boat or 'cobill' of Heleiſe.

ABSENTES *ab* ASSISA *domini de Cambuſnethane, &c.*

Neill Montgomery of Langſchaw,
Hugh Montgomery of Hiſſelheid,
James Hammyltoune, Wodſyde,
William Sympill of Cathcart,
Walter Pettigrew of Ouer Cottis,
William Sympill of Thridparte,
John Mure of Cauldwell,
Robert Ker of Kerriſland,
James Montgomery of Brvmeland,
George Brown of Colſtoune,
Gilbert Wauchope of Nvdrye-Marſcheale,
Hugh Montgomery of Stane,[1]
Robert Ker of Trearnie.

(May 29.)—THE pannels were Convicted by an Aſſiſe, except the Laird of Camnethane, who did not enter on pannel.—SENTENCE was not recorded.[2]

Slaughter.

Aug. 3.—JOHN HYVIESOUNE, tailor, Convicted of the cruel Slauchter of Andrew Howeſoune, in Weſt Nvdry; committed in July laſt, under ſilence of night.—BEHEADED.

[1] Montgomery of *Stair*. At and previous to this period, the name was written Stene and Stair indifferently. [2] Only the Scroll-books of this period are preserved.

[THE following interesting Excerpts have been procured from the *Earl of Hadington's*[1] *MS. Collections*, Advocates' Library, (A. 422.) The first article is prefixed to a Copy of Proceedings of THE JUSTICE AIRE OF ELGIN AND FORES, held and begun at the burgh of Elgin, on Monday, Aug. 17, 1556, before JOHNE ERSKINE OF DYNE, Justice-depute. This Aire terminated on Oct. 17, 1556, being the twenty-first day of the sittings.

The reader is referred to a similar document, which has been published, as in reference to THE JUSTICE-AIRE OF JEDBURGH, in a former part of this work;[2] and it may be considered a matter of some curiosity to note the difference in the styles of these Proclamations. Of course, it must be understood that such intimations as these would run in the same terms, in reference to all the other Justice-aires of the kingdom, at the periods to which they respectively belong.

It may be noticed that the general complexion of the Cases which were tried at this Aire were trivial. The only entries possessing any interest follow the Proclamation, which is here given entire.]

PROCLAMATIO.

WE command and charge, in oure ſouerane ladeis name, his darreſt moder þE QUENE DOWARIARE AND REGENT of hir realme, and hir Juſtice-principall and hir deputtis heir preſent; That na maner of perſone or perſones cummand to this preſent Juſtice-aire, remanand þairat, or paſſand þairfra, invaid ony of thame vtheris, ather for auld Feid or new, wnder þe pane of deid: AND þat na maner of perſone nor perſones heir vther wappinnis bot ſchort knyffis at þair beltis, except the Juſtice, Scheref, Crowneris, and þair deputtis, officiaris, houſhald, and ſervandis, vnder þe pane of eſcheitting of þair Wappinis and pvneiſſing of þair perſones, be wairding or vtherwayes, at the will of our ſouerane ladies darreſt moder and Juſtice. AND that all maner of victuallis, ſic as fleſche, fiſche, meitt, fowale, and vther neceſſaris, be brocht to þe mercat and ſauld for reddie money, for the prices following; and that na pryces þairof, nor ȝit þe lugeing, bedding, ſtabulling, or vtheris quhatſumevir aſiamentis and neceſſaris for lugeing and furneiſſing of our ſouerane ladeis leigeis, be raſit or hichtit[3] vpone thame; bot that þe ſamin be ſauld and furneiſſit of þe pryces following. That is to ſay, þe laif[4] of guid ſufficient quheit breid, for ſuſtentation of þE QUENIS Maieſteis

Houſhald and remanent Nobill men, of xxij vnces wecht, .	iiij d.
The pynt of Burdeous[5] vyne, ...	xij d.
The pynt of fine Scherand or Amȝerk[6] vyne, . . .	x d.
The quairt of guid Aill, to be ſauld for . . .	viij d.
The beſt mutton bowik,[7] for	vj s.

And vther nocht ſa guid, to be ſauld vnder that pryce, as it is of availl.[8]

The pryce of ane guiſs, ...	xviij d.
þe muirfoull, ...	iiij.
The capone, to be ſauld for	xij d.

[1] The celebrated THOMAS, *first* EARL OF HADDINGTON, who held the important offices of Lord Advocate, President of the College of Justice, Principal Secretary of State to KING JAMES VI, &c. &c. [2] I, * 64. [3] Increased in price. [4] Wheaten loaf. [5] Bourdeaux. [6] Probably Zeres, or Sherries-sack. [7] Carcase. [8] Worth.

The peiſs of pultrie, ... vj d.
Gryt chikkinnis, ... iv d.
The gryſe,[1] . . . . . xij d.
Four eggis, for . . . . . j d.
The kid, for . . . . . ij ſ. iiij d.
The carcage of þe beſt beiff, to be ſauld for . . xxxvj ſ.
And vtheris wnder, vpone ſmallar pryces, as it is of availl.
The peck of horſe-corne that is guid, . . . viij d.
The threafe of fodder, ... viij d.
The pund of candill, of þe fyneſt and faireſt ſaif, for . . viij d.
The leid of peittis,[2] . . . . . ij d. ob.
And that þair be guid cheir throw all þe toune for Gentillmen and
þair ſervandis, for xij d. at þe melteithe,[3] . . xij d.
The furneiſt bed, on þe nycht, and that to freithe the chalmer,[4] . iiij d.
The ſtabill-fie, for ane horſe, xxiiij houris, ... j d.

Vnder the pane of confiſcatioune of all þe guidis of þe brekeris þairof. And that nane of oure ſouerane ladeis leigis tak vpone hand to eitt, diſtroy, or ſtramp doune ony growand cornes with þair horſſis, or oppinlie or privatlie to carry or tak away ony ſchorne coirnes and ſcheves of þe fieldis; with certificatioun to þe awneris of þe ſaid horſe, that it ſalbe leſum[5] to þe awnaris of þe ſaidis coirnis to tak and hald þe ſaidis horſſis quhill[6] thay be payit, for þe firſt falt x ſ., the ſecund falt xx ſ., and þe thrid falt, þe ſamin ſalbe eſcheittit to our ſouerane ladeis vſe. And in lykvaiſe, We Command and chairge all maner of perſones, that nane of thame tak vpone hand to ſcheir ony growand coirnis, with certificatioune to thame and[3] thay do in the contrair, it ſalbe leſum to ony perſones to tak and apprehend thame with þe ſaidis coirnes, and bring thame to our ſouerane ladeis Juſtice to be pvneiſt with all rigour, conforme to þe lawis and conſwetud of this realme. And gif ony perſone or perſonis brekis þis preſent Proclamatioun, thay ſalbe callit in this preſent Juſtice-aire þairfoir, and for commoun Oppreſſouris of our ſouerane ladeis pure leigis thairthrow, and pvneiſt thairfoir to the rigour: And Ordanes the Proueſt and Bailȝeis of this burche to ſearche and ſeik þe brekeris of this Proclamatioun, and bring and preſent thame to þe Juſtice, that thay may be puneiſt for þair demereittis, as accordis.

Lord Lovat ordained to apprehend and present Rebels, &c.

Aug. 31. (*Apud Elgin.*)—The quhilk day, fforſamekill as it pleaſit þe Quenis grace to releif furth of Waird and put to libertie, Alexander Lord

[1] Pig. [2] Load of peats, or turfs, for firing. [3] Each meal, at the principal *meal-tide*, or dinner. [4] To be the whole charge of the apartment. [5] Allowable; lawful. [6] Until. [7] If.

FRASER OF LOVET, vpone expectatioune that þe ſaid Lord ſall perſew, tak, and apprehend at his vttir power, all hir grace Rebellis and fugitiues fra þe laſt Aire of Inuerneſs, and in ſpeciall, Allaſter M^c^ane M^c^Varrin, Tormet M^c^wane, Jhonne Duncane M^c^auchin, Kenȝeocht Roy M^c^auchin, Murquho Boy, Jhonne M^c^gilleſpik M^c^ewir, and James M^c^hutcheonne Bayne, and vtheris reſortand within his boundis or partis ewiſt[1] þairto. Thairfoir þe ſaid LORD, as principall, and JHONNE, ERLE OF SUÞERLAND, and WILLIAM INNES OF THAT ILK, as cautioneris and ſouerteis for him, hes obleiſt thameſelffis, coniunctlie and ſeuerallie, vnder þe pane of Ten thowſand merkis, that þe ſaid Lord ſall enter þe ſaidis perſonis to hir grace betuix this and the feaſt of Allhallowmeſs nixttocum, gif thay may be apprehendit; at þe leiſt, he ſall enter him ſelff at þe ſaid feiſt to hir Grace, quhair ſcho ſal happin to be for þe tyme, to anſuer vpone his diligence in executioune heirof. And the ſaid LORD is obleiſt to releif tham.

Inquisitio Generalis, seu Magna Assisa Vicecomitatus de Elgin et Fores.[2]

Wilelmus Innes de Eodem,
Alexander Dunbar de Cumnok,
Alex. Cumming de Erneſyde,
Alexander Suþirland de Duffus,
Alexander Dunbar de Conȝie,
Joannes Annand, in Elgin,
Robertus Dunbar de Durris,
Andreas Suþirland de Greiſchip,
Alexander Anderſoune,
Dauid Dowglaſs de Erlifmyll,
Jacobus Dunbar de Tarvet,
Alex. Vrquhard de Burriſȝairdis,
Alexander Innes de Caibo,
Mr Alex. Dowglaſs, Prepoſitus de Elgin,[3]
Wilelmus Leſlie de Akinway,
Joannes Innes, ſenior, in Elgin,
Wilelmus Dunbrek de Frefeild,
Patricius Boyne, in Fores,
Walterus Leſlie de Kynnynrie,
Jacob. Suþirland, alias Garratyne,
Joannes Hay de Park,
Wilelmus Cuming,
Wilelmus Auldcorne,
Alex. Vrquhard, mercator in Forres,
Wilelmus Dumbreck de Vreane,
Robertus Innes de Innermarkie,
Wil. Gadderare, burgen de Elgin,
Joannes Comes de Suþirland,
Jacobus Innes de Drymye.

James Urquhard engages to deliver up his two brothers.

Sep. 2.—The quhilk day, JAMES VRQUHARD obleiſt him ſelff to tak, preſent, and delyuer ane of his tua brether, Jhonne Reoche Vrquhard or Rore Vrquhard, to þE QUENIS grace, betuix this and Sanct Androis day, to be vſeit at hir graceis pleaſour; and to do þe ſamin at his extreme power; and ſall, at þe ſaid Sanct Androis day, enter and preſent him ſelff befoir þe Quenis grace to juſtifie his promeis foirſaid. And for his reentrie, at that day, hes fundin cautioneris JHONNE ERLE OF ATHOLL, JHONNE ERLE OF SUÞIRLAND, Jhonne Hay of Park, and Hucheonne Murray of Abirreſcorſe, coniunctlie and ſeuerallie, vnder þe pane of ane thowſand pundis. Prowyding alwayis, that gif he chances to ſlay ane of thame, it ſall nocht be imput to him as ane cryme, bot ſalbe

[1] Nearest. [2] The following List of the '*Magna Assisa*,' or GRAND JURY of Elgin and Forres, having been preserved, it has been thought of sufficient interest to be inserted here. [3] It is probable that one of the ASSISE is omitted here, by mistake, the number being incomplete.

eſtemit as executioune of his promeis, becaus he hes þe Quenis command þairto.

ERLE OF ATHOLL.
ERLE OF SUPIRLAND.
HUCHEOUNE MURRAY OF ABIRSCORSE.
JOHN HAY OF PARK,
with my hand led at þe pen be Schir Jhonne Gibſoune, Noter publict, at my command.

Caution for the Laird of Cumnock.

ALEXANDER DUNBAR OF CUMNOK, Sheriff of Elgin and Forres, found James Dunbar of Tarbet cautioner for him, under the pain of 1000 merks, to appear before the Queen, at Aberdeen, on Sep. 26 inſtant.

Abiding from the Raid of Abirtarf — John Muidertach.

Nov. 16.—JAMES HAY, in Fyndachtie, came in Will for treaſonably abiding from the Queen's ARMY ordained to convene with JOHN EARL OF ATHOL, the Queen's Lieutenant, at ABIRTERF, on Aug. 6, 1555, to repreſs JOHN MODERATE[1] and other Rebels.—John Hay of Mukhaldis, ſon of the Earl of Errol, became ſurety along with him for the ſatisfaction of the Queen.

THE DECLARATION *of the Queen's Will vpoun James Hay, in Fyndauchtie.*

(Nov. 27.)—THAT fforſamekill as þe QUENIS grace, in reſpect of þe ſaid Will, may diſpone vpoune þe life, haill landis, and gudis, movabill and vnmovabill, of þe ſaid James at hir pleſoure; neuerþeleſs, þe ſaid Juſtice depute, of hir ſpeciale command, temperand juſtice with mercy, FOR HIR WILL, of þe ſaid James awin conſent and acceptand þe ſamyne, Declaris, decernis, and ordanis þe Tak, ſteding, and aſſedatioune of þe landis of Fyndauchtie, lyand within þe ſcherefdome of Banf, perteining to þe ſaid James, maid to him be vmq^le þe Parſoune of Rathvene for þe tyme, of þe dait, at Edinbur^t þe ferd day of Maij, þe ȝeire of God I^m.V^c. and xlvij ȝeris, pertenis, and ſall pertene to hir grace, to be vſit and diſponit be hir, with all rycht and kyndneſs þat þe ſaid James had, hes, or onywyſe may haue þairto, for all ȝeris and termes þairof to rynne, or ony vþerwiſe, in tyme cuming, at hir pleſour; ſicklyke, and als frelie as þe ſaid James mycht haue vſit, occupiit, and diſponit þairupoune, in ony tyme bigane: AND als, Ordanis þe ſaid James, of his awin conſent, to remoiſ, devoid, and red him ſelf, his ſeruandis, and gudis furthe of þe ſamin, and to deciſt and ceiſe fra all forder intromiſſioune þairwith, within xv dais nixt eftir þe dait heirof; and fra thyne furth to deciſt fra all moleſtatioune of quhatſumeuir perſoune or perſonis it ſal happin hir grace to diſpone þe ſame to, vnder þe pane of deid: And þe premiſſes being obſeruit, kepit, and fulfillit be þe ſaid James, and na vþirwiſe, diſpenſſis with þe ſaid James vpoune his life, and REMITTIS þe ſamin to him: And als, gevis and diſponis to him ȝe reſt of all his gudis, movabill and vnmovabill quhatſumeuir, to be diſponit at his pleſoure.

Forging and uttering 'Bawbeis.'

Nov. 17.—HENRY WYND, burgeſs of Dyſart, Convicted of treaſonably ſtriking[2] ffalſe and fforged money, called *Balbeis*,[3] and iſſuing them among the

[1] See Appendix to this reign. The person here alluded to was the noted JOHN MUIDERTACH, *i. e.* John (Macdonald) of Muidart. Reference may also be had to *Gordon's* History of Sutherland, *Mr Gregory's* work on THE ISLES, &c. [2] Coining. At this period the coins of Scotland were *struck* or forged with the hammer, which gave unshapely and irregular edges to them. [3] BAWBEES.

liegis in July, Auguſt, September, October, and November laſt.—Beheaded, '*ex gratia Regine Dotarie.*'[1]

Convocation — Searching for Douglas of Kilspindie,[2] &c.

Nov. 19.—Robert Bishop of Dunkeld, Suffragan of St Andrews, William Creychtoune of Drylaw, Pariſh Clerk of Holyrood, and Mr Alexander Creychtoun, Vicar of Innervik, were replegiated by Mr James Balfour, Official of the Archbiſhop of St Andrew's, to underly the law for Convocation of the lieges, to the number of fourteen ſcore, (280 perſons,) armed in warlike manner, and ſearching for Archibald Dowglas of Kilſpindy, (Provoſt of Edinburgh,) for his Slaughter, at the Town of Abirlady; committed on Aug. 18 laſt; and for other crimes contained in the Letters.—Alexander Lord Hwme and John Hwme of Coldinknowis, became cautioners for the due adminiſtration of juſtice.

Convocation — Searching for Douglas of Kilspindie, &c.

Nov. 19.—Alexander Lord Hume, George Neſbet, of that Ilk, John Cranſtoune, ſon of Cuthbert C., and John Edȝeare of Weddirlie, found caution to underly the law for the above crimes, at the next Aire of Berwik.—Herbert Maxwell, burgeſs of Edinburgh, and James Stevinsoun of Hirdmanscheilles, were on the ſame day convicted as art and part of the ſame crimes.

Bringing in Englishmen — Stouthreif of Horses and Cattle, &c.

Nov. 24.—John Johnnestoune, called *Johnne of the Quawis*, Andrew, David, and Edward his brothers. John Jardane of Apilgirthe was amerciated for not reporting and delivering the Letters duely executed at the inſtance of William J. in Preiſtiſdikis, Walter his brother, and John his brother's ſon, to take caution for the above perſons underlying the law for treaſonably bringing Marke Grahame, William G., called *Alleis Willie*, George G., called *Paulis Geordy*, and other Englishmen, to the number of ſixty perſons, armed in warlike manner, in the month of June laſt, to the lands of Cummergirthe; and for Stouthreif and 'Hereſchip' of eight ſcore of cows and oxen, four horſes, &c.

Sacrilege — Stealing Chalices and Church Ornaments, &c.

Dec. 7.—Adam Sinclare, ſon of James Sinclare of Ley, and Henry Elder, cook, Convicted of art and part of theftuously breaking into the Parish Kirk of Forese, and ſtealing and concealing furth thereof, 'and lokfaſt lwmys[3]

[1] This crime was frequently punished by strangling at the stake and burning, which, it is supposed, is here alluded to as having been commuted, by the special grace of the Queen Dowager, to beheading. [2] See May 19 and Jun. 18, 1557, and Appendix, &c. [3] Literally *looms*, e. g. chests, &c.

being þairintill', of ſundry ſums of money, in gold and ſilver, together with certain Chalices and Ornaments of the ſaid KIRK, and other goods being therein, belonging to the Queen's lieges; committed with umq^le^ Thomas Ramſay, common Theif, in November laſt, under ſilence of night.—SENTENCE. The ſaid Adam to be DROWNED, '*ex ſpeciali gratia Regine*:'[1] And the ſaid Henry HANGED.

Forging, and not revealing, the striking of false 'Testanis,' &c.

Dec. 7.—WILLIAM NASMYTH, 'being accuſit of arte and parte of þe ffenȝeing, fforgeing, and ſtriking of certane ffals Teſtanis,[2] v ſ. pecis; AND of arte and parte with William Hendirſoune, in þe Potterraw, þairintill; being with him in cumpany þe tyme he ſtruik þe ſaid Teſtanis, and nocht reweland þe ſamin, &c.—was at þE QUENIS grace command, be þe ſaid Juſtice Depute, of his awin conſent, BANIST furth of þis realme; and to remane furth of þe ſamin, as baniſt, and nocht to returne þairintill, without oure ſouerane ladeis Licence had þairupoune: And to departe furth of þe ſamin within xxx^ti^ dais nixt efter þe dait þairof, vnder þe pane of deid.—Michaell Naſmyth, ſeruand to my lord (Archebiſchop) of St Androis, become ſourtie for him, þat he ſall fulfill þe premiſſis, vnder þe pane of xl lib.'

Murder — Slaughter — Taking the Fortalice of Akirgill, &c.

Dec. 23.—GEORGE EARL OF CAITHNESS preſented a Remiſſion from the Queen for art and part of the cruel Slaughter and Murder of Henry Leſlye and his ſon, a youth, and other ſix perſons, the Queen's lieges, along with them, being in a certain boat loaded with victual, oppoſite the place of Girnego, by William Crukeſhank ſenior, James Sinclare called *Litill Jamé*, James Wawane and Thomas Fraſer, his ſervants, of his cauſing, command, aſſiſtance, and ratihabition: AND for Stouthreif and Spuilȝie of the ſaid victual, carrying the ſame to the place of Girnego, and ſinking the ſaid boat. ITEM, for art and part of the cruel Slaughter and Murder of Sir John Symſoune by Archibald Keith, 'in þe Weik,'[3] his ſervant, of his command, aſſiſtance, reſett, and ratihabition. ITEM, for art and part of the cruel Slaughter of Hugh Neilſoune, in Strathvlȝe, by Donald Robſoune, of his counſel, &c. by way of Hameſuckin, in his own houſe. ITEM, for art and part of Convocation of the lieges in great number, and treaſonably beſieging the Houſe and FORTALICE OF AKIRGILL, belonging to WILLIAM EARL OF MARCHEALL, and violently expelling John Scarlet the

[1] Perhaps owing to his youth, or at his own request. This was the ordinary capital punishment inflicted upon women. [2] So called from the *teste* (tete) impressed on them, *testoons*, five shilling pieces. [3] The town of Wick.

Keeper thereof, and placing his ſervants therein. ITEM, for treaſonably Uſurping the Queen's authority by taking Alexander Keyth, her free liege, and Incarcerating him in his Place of Girnego, and detaining him therein in cloſe cuſtody for a long ſpace. ITEM, for treaſonable Uſurpation of the Queen's authority, by taking David Sinclare his brother, Bailie of the Biſhop of Caithneſs, and Incarcerating him in the ſaid Place, for a long ſpace. ITEM, for Reſetting, Supplying, and Intercommuning with Andrew Sutherland young Laird of Clyne, Andrew ſon of William S., of Bulbiſter, William S. called *Fathir War*, and others their accomplices, rebels and at the horn for the Slaughter of William Murray, Captain of the Queen's Houſe (Caſtle) of Barrow. ITEM, for the cruel Slaughter of William Auld in Scarmclet, committed 'on ſuddenty.' ITEM, for art and part of Diſobeying the Queen's Precept to preſent and produce Kenneth Farquhartſon and Gawin Williameſoune before the Juſtice or his Deputies, at the laſt Aire of Inverneſs, to underly the law for their crimes. ITEM, for art and part of the violent occupation and fiſhing of a fourth part of the Salmon-Fiſhing of the Water of Thurſo, for the ſpace of four years, or thereby, viz. 1553, 1554, 1555, and 1556, pertaining for the firſt two years to Laurence Maſter of Oliphant, by reaſon of the Gift of his Nonentry granted to him by the QUEEN, and for the two laſt years belonging to him in heritage; and for violently detaining from the ſaid Maſter the whole fiſh thereof, extending yearly to three *laſts* of Salmon, the common price of each laſt, yearly, being 100 li. ITEM, for treaſonable Uſurpation of the Queen's authority, coming with diſplayed Banner and Convocation of 2500 men, in 'plain Battle,'[1] at the Water of Elmiſdene, againſt THE QUEEN'S LIEUTENANT and her authority; committed in the year 1544.

Killing Game with 'culveringis' and 'piſtolettis.'

Jan. 28, 1556-7.—WILLIAM WAUCHOP, ſon and heir apparent of Gilbert of Nvdry-Marcheale, Edmund Nycholſoune, miller in Diriltoune, and five others, found ſurety[2] to underly the law at the next Aire of Edinburgh, within the Conſtabulary of Hadingtoune, for breaking the Acts of Parliament in ſlaying Wild foul (game) with 'culveringis' and 'piſtolettis,' from May 1552 to November laſt 1556, incluſive.—A number of other perſons were called for the ſame offence, and were replegiated to various Regalities, or found caution to underly the law at the next Juſtice-aire of their reſpective ſhires.

Stouthreif of Gold and Silver work, &c.

Feb. 1.—ALEXANDER KYLE, goldſmith, ſon to John Kyle, goldſmith,

[1] In open battle array, with standards unfurled, &c. [2] Gilbert Wauchop of Nudry-Marcheale, Patrick Hepburne of Wauchtoun, and James Hereote of Trabroune.

burgeſs of Edinburgh, 'delatit of þe Stowthe-reif, vnder ſylence of nycht, vpoune New-ȝeir-ene, viz. þe laſt day of December laſtbipaſt, fra Robert Rynd, alſua goldſmyth, and his ſeruand boy called James Weir, in his name, at þe ſaid Robertis chalmer ſtair-fute, beſyde þe Buttir-troue, off ane litill coffir, and in þe ſamyn xij gold ryngis, viij of þame ſet with ſtanis, ſex ſiluer ryngis, foure ſyluer ſpvnis, foure hearttis of gold, ane ſyluer quhoffill,[1] and diuerſe vþeris ſyluer and gold werk: Off his awin conſent is BANNIST for þe ſaid cryme, and Ordanit be him to departe furth of þe ſamin within xx^tj dayis nixt eftir þe dait heirof: And nocht to returne agane þairto without Remit[2] and Licence of þe QUENIS grace, vnder þe pane of deid.'

Slaughter.

Feb. 3.—ROBERT BERCLAY and DAUID M'CAIG, both in Caprintoune, Convicted of art and part of the cruel Slaughter of John Clerk, committed at the Place of Caprintoune on Jan. 8 laſt.—BEHEADED.

(Jun. 18.)—'Robert Berculay in Caprintoune, of his awin fre motive will, Convict of þe Slauchter of vmquhile Johnne Clerk in Caprintoune conſentis to be BANYST, in preſens of Johnne Clerk, ſone to þe ſaid vmq^le Johnne: And als þe Juſtice Decernis him to be Banyſt, and to pas furth of þis realme within xx^tj dais nixt heireftir; and nocht to returne þairintill agane without ſpeciale Licence of þe Quenis grace, vnder þe pane of deid.'

Slaughter committed by a Minor.

Feb. 23.—JOHN PEIRSOUN, cook in Bele, dilated of the Slaughter of Archibald Lyle, ſervant of the Laird of Baſs.—John Lyle of Stanypeth producet ane Bill and requeiſt gevin in be him to þE QUENIS grace, with ane delyuerence vpoune þe bak þairof, ſubſcriuit with hir grace hand.

MADAME, Vnto ȝour grace, huimlie menis and ſchawis I, ȝour ſeruitour, JOHNNE LILE OF STANYPETH, fader bruþer,[3] and remanent kyn and freindis of vmq^le Archibald Lile, ſeruand[4] to þE LARD OF BASS: That, quhair Johnne Peirſoune, cuke in Bele, recentlie, vpoun þe thrid day of Januar inſtant, cruelly Hurt and Woundit þe ſaid vmq^le Archibald with ane greit key, in his heid, quhairof he lay continewalie, be þe ſpace of aucht dais, or þairby, paireftir, quhill his harnis blaknit,[5] and ſyne deit of þe ſamin; and ſua crewellie ſlew hym, in maner foirſaid: For þe quhilk cryme he wes takin reid-hand,[6] and put in preſonn in þe pite[7] of Beill, and þaireftir brocht and pute in warde in þe Tolbuith of Ed^r: And ſyne[8] we obtenit Letteris, and þairby cauſit ſummand ane Aſſiſe of honeſt and vnſuſpect perſonis of þe ſherefdome of Ed^r, within þe ſcherefdome, within þe conſtabillarie of Hathingtoune, and four-half-about, to compeir befoir þe Juſtice and his deputes, in þe tolbuith of Ed^r, þe xix day of

[1] A silver whistle or call, then in common use. Even during the last century, these whistles were still preserved and occasionally used in some old families, in place of the modern custom of ringing bells to call servants. The whistle gradually gave way to silver hand-bells, and these in their turn were superseded by the introduction of bell-pulls into each room. [2] Remission. [3] Paternal uncle. [4] This does not imply that he was a menial servant, but merely that he was in his train or retinue. [5] Literally, until his brains mortified. [6] Taken in the fact; red-hand, or 'with the bluidy hand,' as it was termed. [7] Pit; the Laird of Beill having, in common with other petty Barons, the privilege of PIT and GALLOWS. [8] Then; afterwards.

Januare inſtant, to haiſ paſt vpoune þe Aſſiſe of þe ſaid Jhone Peirſoune for þe ſaid crewell Slauchter: At þe quhilk day, eſtir þe preſenting of þe ſaid Jhone Peirſoune in jugement, in ane ſenſit Court of Juſticiarie, vpoune ane frevell[1] exceptioune maid for him, allegeand þat he wes nocht of lauchfull age of xxj ȝeris, and þairfoir þat he culd nocht be pute to þe knawlege of ane Aſſiſe for þe ſaid crewell Slauchter, We culd get na iuſtice vpoune hyme, nor Aſſiſe callit and hyme pute to þe knaulege of þe ſamyn for þe ſaid cryme, howbeit þe ſaid Jhone Peirſoune is ane abill man of peirſoune, of þe age of xviij ȝeris, with þe mair;[2] and þairfor, as we vndirſtaud, aucht to be pvniſt for ony crymes committit be hyme. Heirfoir we beſeik ȝour grace to haiſ conſideratioune of þe premiſſes, and þairfore to gif command to þe Juſtice, Juſtice clerk, and þair deputtis, to miniſter, and caus be miniſtrat, iuſtice vpoun þe ſaid Jhone Peirſoune for þe ſaid crewell Slauchter, and to pute hyme to þe knawlege of ane Aſſiſe for þe ſamin, nochtwithſtanding þe ſaid exceptioune and allegeance; as þai will anſuer to ȝour grace at þair vtermaiſt: And ȝour graces anſuer rycht huimlie we beſeik.—(*Indorsed.*)—Apud Linlithqw, *xxo menſis, Janrij* 1556. The Quenis grace, being informit of þe Petitioune of þe complenaris within contenit, Ordanis þe Juſtice to tak ane ordour in this complent, conforme to þe vſe, conſuetude, and lawis of þis realme, ſua þat þe ſaidis complenaris haiſ na juſt caus of complent heireftir, in þis behalf: As ȝe will anſuer to hir grace þairupoune.

(Mar. 15.)—Convicted by an Aſſiſe.[3]

Treasonably Forging and Uttering False 'Loranes.'

Apr. 10, 1557.—Thomas Andersoune 'pvderare' Convicted of art and part of treaſonably Fabricating and forging the Queen's coin called *the Lorane*, and uttering the ſame among the lieges; committed in the months of May, June, July, and Auguſt laſt.—Hanged.

Abiding from a Warden-Raid or 'Day of Trew.'

[The following entries occur in the Scroll-book, which being so characteristic, they are inserted here at length. They evidently refer to the Raid at Lochmabane-Stane,[5] and show, in a very graphic manner, the distracted state of the country, while, at the same time, they afford a vivid picture of the actions of the parties concerned.]

May 12.—Johnne Crechtoune, Tutour of Sanchare, allegis þat þe House of Sanchare was neuer in vſe to keip ane Wardane Raid ſene[6] þai war Wardanis þame ſelffis. Item, ſecundly, allegis þat he is nocht hakin,[7] be vertew of þe Proclamatioune, to haiſ paſt to þe ſaid Raid, becaus he is nocht ane landit manne.

Robert Johnstoune of Cottis, Robert Moffet of Grantoune, Robert his ſone and apperand air, and Thomas Moffet of Knok, allegis þat, vpoune þe xv day of Februar laſt bipaſt, quhilk is þe nycht befor þe day of Meting contenit in þe Proclamatioune, þai being in reddynes, and haifand þair horſis ſadillit, to cum to þe ſaid day of Trew, Jok Johnſtoun, callit *the Galzeart;* Jok J., bruþer to

[1] Frivolous. [2] And more; and upwards. [3] The Sentence is not recorded. [4] Pewterer. [5] See the two following Cases. [6] Since the time. [7] Sic. The Editor never before met with this word. It may, however, be a mere clerical error for 'habill,' or 'abill,' (Lat. *habilis,*) liable; subject to.

Wille of Kirkhill; Wille Grahame, callit *fugand Willie;* Ade Armſtrang of Hairlaw, and Criſtie Armiſtrang, callit *the Bull*, and þair complices, come to þe Winter-cleuch about mydnycht, and þair tuke away þe hale gudis[1] being þair-upoune, pertening to James Johnſtoune, fader to þe ſaid Robert of þe Cottis, extending to the nowmer of xij[xx][2] ſcheip and þe keparis þairof; and þe affray[3] cumand to þe eiris of þe ſaidis perſonis, þai, for reſkewing and recouering of þe ſaidis gudis, with þair ſeruandis and freindis, followit þe drift[4] quhill[5] þe ſaid xvj day of Februar, at viij houris befor none, and red[6] ane pairt þairof; and in defald[7] of ſufficient power to follow for recouering of þe reſt of þair gudis, war conſtrenyt to leif þe perſute: And þanne maid þaim to cum fordwart fra þe fray to þe day of Trew, quhill þai come to þe Watter of Annand, quhilk was ſa greit, that þai mycht nocht ride it; and þair remanit quhill þai gat ſure word þat þE WARDANE was returnyt, and þe day of Trew ſchot.[8]

JOHNE JARDANE OF APILGARTHE allegis, þat at þe ſaid day of Trew he raid to þe Watter of Annan to haif paſt fordwart with þE WARDANE to þe day of Trew, and þan þe Watter was ſa greit, þat he mycht nocht ride it without danger of his life; and gif he had paſt about be ane vþer way, and wald paſs ony tyme cuming, he durſt nocht, for feir of his inemys, without he had ane grite cumpany with him.

Abiding from the Raid at Lochmaben-stane.

ROGER KIRKPATRICK OF CLOSEBURNE, William K. of Kirkmichaell, and Thomas K. of Freirkerſe, got Remiſſion from the Queen, dated at Ed[r], May 11 inſtant, for abiding from the Army ordained to convene at LOCHMABEN-STANE, on Feb. 16 laſt, to meet the WARDEN before ſunriſe, 'to paſs fordwart with him to þe day of Trew, for Meiting of þE WARDANE OF INGLAND.'

Abiding from the Raid at Lochmaben-stane.

May 14.—ALEXANDER STEWARTE OF GARLEISE, John Dunbar of Mochrame, John Gordoune of Barſkeoche, John M[c]culloch of Torhouſe, John Jardane of Apilgerth, Robert Moffett ſenior and junior of Grantoune, Thomas Moffet of Knok, Robert Johnneſtoune of Coittis, and John Creychtoune, Tutour of Sanchare, found caution[9] to underly the law at the next Aire of Dumfreis, for Abiding from the Queen's Army ordained to convene at Lochmabene-ſtane, &c.

Searching for Douglas of Kilspindy for his Slaughter.

May 19.—JOHN DIKSOUNE OF BELCHESTER, and Robert Dikſoune of

[1] Stock of sheep. [2] Twelve score. [3] Hue and cry. [4] *Drove*, or flock. [5] Until. [6] In this sense it means recovered. [7] Default. [8] Expired; past. [9] John Gordoune of Lochinver, Murray of Cokpule, and William Kirkpatrick of Kirkmichaell.

Bouchrig, found ſurety (Alexander Lord Hume) to underly the law, at the next Aire of Berwik, for Convocation of the lieges, to the number of fourteen ſcore (280 perſons), armed in warlike manner, and ſearching for Archibald Douglas of Kilſpindy for his Slaughter; committed at Abirlady, on Aug. 18, 1556.[1]

Hamesucken — Wounding the Provost of Edinburgh, &c.

Jun. 18.—Nicolas Rynd, tailor, burgeſs of Edinburgh, Convicted of cruelly coming upon Archibald Dowglas of Kilſpindy, Provoſt of Edinburgh, within his own lodging within the ſaid burgh: And for cruelly Hurting and Wounding the ſaid Provoſt with his poignard,[2] in the ſhoulder, to the effuſion of his blood in great quantity: And als for the cruel Hurting and Wounding of John Boyd junior, his ſervant, with his poignard, upon his left breaſt, and in his mouth and back, within the ſaid Provoſt's lodging, his maſter; committed by way of Hameſuckin on May 9 laſt.

The Dome *gevin vpoune Nicholl Rynd, tailzeoure.*

The Juſtice depute, of þe command of þe Quenis grace, modefeand and temperand þe rigour of þe law towarte þe pvniſment of þe ſaid Nicholl for þe ſaidis crymes, Decernis and Ordanis him, of his awin conſent, vpoune Monunday nixttocum, to cum in preſens of þe Proweſt, baillies, and counſale of þe ſaid burcht of Ed^{r}, at þe mercate-croce þairof, betuix xj and xij houris befoir nvne, and þair publictlie, with his heid diſcoverrit,[3] in his lynning claithis, bair-futtit, and in þe maiſt reuerend and humyll maner, fall doune vpoune his kneis, and aſk forgifneſs and pardoune of God, þe Quenis grace, þe ſaid Proweſt, baillies, counſale, and communitie of þis bur^{t}, of his offence aboue writtin, confeſſand þe ſamin and declarand his repentance þairof: And als decernis and ordanis þe ſaid Nicholl to haue tynt and foirfaltit, and be þe tennour heirof, foirfaltis him of his libertie and fredome of þis bur^{t}. And to be Banist and exilit furth of þe ſamin, and nocht to hant nor repair within þis bur^{t}, nor vſe ony fredome þairof in ony tyme cuming, vnder þe pane of deid: And als Ordanis þe Proweſt and baillies of þis bur^{t} to put þis act to executioune.

Slaughter of the Laird of Bynning.

Jun. 21.—Robert Levingstoun in Lynlythqw, and John Knowis, ſervant of the Biſhop of Roſs, found ſurety[4] to underly the law at the next aire of Lynlythqw, for the Slaughter of Robert Bruce of Bynning, committed in February I^{m}V^{c}xl . . . on forethought felony, &c.

[1] See Nov. 19, 1556; and the following entry, Jun. 18, 1557. [2] *Pugione.* In the *Dome* it is called a 'quhinzeare,' which is commonly translated *pugio* in this Record. [3] Bare, uncovered. [4] Thomas Roſs of Prestoune, and Robert Hammyltoune of Briggis.

Sacrilege — Breaking into the Church of St Mary of the Lowis for the Slaughter of Sir Peter Cranstoune, &c.

Jun. 25.—ROBERT SCOTT in Bowhill, Parish Clerk of St Mary de Foresta, with consent of Mr Henry Lauder, Queen's Advocate, was replegiated by Sir John Scott, Chaplain and Commissary of the Archbishop of Glasgow, for Convocation of the lieges to the number of 200 persons, armed in warlike manner, and coming to the Church of St Mary of the Lowis, and breaking up the doors thereof, and searching for Sir Peter Cranstoune therein for his Slaughter, upon ancient feud and forethought felony; committed on Apr. 16 last. Robert Scot of Bonyntoune became cautioner for administration of justice.—ROBERT SCOT of Allanehauche, Adam Scot of Burnefute, and William his son, Thomas Scot of Hanyng, Walter Scot, young Laird of Syntoune, Robert, William, and James, his brothers, Walter Scot, son of William Scot of Hardane, James Orbistoune of that Ilk, Robert Scot of Thirlestane, Robert Scot of Howpaslate, and several others, were amerciated for not appearing; and were ordained to be charged of new to underly the law, under the pain of rebellion, &c.

Horse-stealing — Common Theft, &c.

Jul. 26.—PAUL ANDESOUNE[1] Convicted of art and part of the Stealing and concealing from Thomas Cunnynghame, in Ledoune, of a 'forit balsonit horse,'[2] furth of the lands between Ledoune and Lethisheid; committed on the vigil of Whitsunday last: And for Common theft of old and new.—HANGED.

Treasonable Trafficking and Corresponding with the English, &c.

Jan. 7, 1557-8.—SYMONE HERYNG Convicted of treasonably going to the kingdom of England and to the Town of Berwik, five times, in the years 1554, 1555, 1556, and 1557, without Licence obtained from the Queen, the Regents, or the Warden (of the Marches): And for disclosing the secrets of this kingdom, in as far as he knew the same, and giving his counsel, to the hurt of the country and disturbance of the lieges thereof, to Sir Thomas Quhartoun, LORD QUHARTOUNE, (Wharton,) Englishman, an enemy to Scotland, and to other Englishmen, the ancient enemies thereof, and receiving rewards from the said Lord Quhartoune and other Englishmen therefor. ITEM, for the treasonable making and writing with his own hand, on July 3 last, and delivering a Letter to John Heryng, his son, to carry to the Town of Berwick to the said LORD QUHARTOUNE, containing the points and treasons following, *de verbo in verbum*, viz. 'FOR newis, þir schippis þat is cumit to Leyth is menne of weir and Scottis

[1] Perhaps AUDESON or *Adieson*, now Addison.

[2] A sorrel-coloured horse, which also happened to be '*bawsonit*,' or marked with white on the face.

'merchandis. þir Menne of Weir is Franchemenne, brocht in twa pryſſis[1] with 'þame. Countie Ringraif cumis in Scotland, and beis Lieutennent to þe 'King of Franche. The Quene hes ſaid planelie, þat þe King of 'Franche will nocht waige[2] Scottiſmenne, bot lat þame vſe þe auld maner.[3] 'Thair wes five pryſſis; thré of þame is had in Franche. The Quenis dyet 'is to remane in Newbottill twa or thre dais, and þane to cum Eiſt, in þis cun-'tré. The Lordis ar all evill content with hir, the quhilk I throw[4] ſalbe 'hard of beleif credence.' Item, for common revealing or ſhewing to our ancient enemies of England the ſecrets of this kingdom, to the hurt thereof, in treaſonable manner.—Hanged.

Treason — Carrying Letters to the English, &c.

John Heryng, ſon of the ſaid Symon, Convicted of treaſonably going by command of his father, on June 21 laſt, and on three other occaſions during the paſt year, with his father's Letters, and twice with his treaſonable intelligence, without Letters, to Sir Thomas Quhartoune, an Engliſhman, and enemy of this kingdom, and revealing and ſhewing to him ſuch ſecrets thereof, as tended to the loſs and injury of the ſtate. Item, for art and part of treaſonably making the aforeſaid Letter on July 3 laſt, containing the points and treaſons above expreſſed; and for treaſonably receiving and delivering the ſame, with his father's credentials. Item, for being art and part, along with his ſaid father, in all his treaſons, directions, and revealing the ſecrets of this kingdom to the ſaid Lord Quhartoune and other Engliſhmen: And for common revealing and ſhewing the ſecrets thereof to the Engliſh.—Hanged.[5]

Hurting and Wounding — Invasion.

Jan. 10.—Robert Johnnestoune, ſon of umq[le] William J., burgeſs of Edinburgh, Convicted of art and part of the Hurting and Wounding of John Moreſoune, junior, with a 'quhinȝeare'[6] on his head, to the great effuſion of his blood: And for Invaſion of the ſaid John for his Slaughter, and Hurting and Wounding him in his left arm, to the effuſion of his blood in great quantity; committed upon ancient feud, forethought felony, and proviſion, at Sandepottis,

[1] Prizes. [2] Pay the wages of the Scottish soldiers. [3] Perform their accustomed Military service, by virtue of their Feudal tenures. [4] *Trow*, trust. [5] From the conclusion it would appear that both father and son had been put to *torture*, to draw from them such things as they had kept back in their Confession, regarding the extent of their treasonable dealings: '*Et propterea dicti Symon et ejus filius tanquam publici Proditores* cruciari *adjudicabuntur*.' On the margin there is merely inserted, 'Convict. et Suspen.;' but it is likely they were drawn and quartered. [6] A short sword, slightly bent or curved; a kind of cutlass. It is probably the same with the English *whiniard*, or back-sword, and is usually translated *pugio* (poignard) in the Record. From the nature of the wounds inflicted with that instrument, it must have been one used for striking or cutting, as well as for stabbing, for which last purpose, alone, the poniard or dagger is fitted.

between the burgh of Edinburgh and Leith, on July 27 laſt.—James Johnneſtoune of Kellobank became ſurety to ſatisfy the Queen and party. Warded in the Tolbooth of Edinburgh, under the pain of 1000 merks.

Hurting and Wounding.

JOHN MORESOUNE, junior, Convicted of art and part of the Hurting and Wounding of Robert Johnneſtoune with 'ane irne ſchule'[1] on his head, to the effuſion of his blood in great quantity; committed 'on ſuddanty' at the Market-croſs of Edinburgh, in the month of January 1551.—John M., ſenior, burgeſs of Edinburgh, became ſurety to ſatisfy the Queen and party.[2] Warded in the Tolbooth of Edinburgh under the pain of 1000 merks.

Slaughter.

Feb. 16.—ALEXANDER DUNLOP OF THAT ILK found ſurety (Neil Montgomery of Langſchaw) to underly the law at the next Juſtice-aire of Air, for art and part of the cruel Slaughter of Andrew Dunlop, his ſon; committed in July laſt.—John Stewarte of Hawrig, John his brother, in Burnehous, Charles Pollok Tutor of Pollok, Thomas Sprewle of Cowdoune, John Maxwell of Boisfeild, John Stewarte of Bogtoune, and John Nevene of Kirkwod, and ſome others, were amerciated for abſence from this Aſſiſe.

Perjured Notary — Forging an Assignation, &c.

May 5, 1558.—DAVID FETHYE, alleged Notary, Convicted of art and part of 'falſing' and forging an Aſſignation, as if made by Margaret Arbuthnot, daughter and one of the heirs of umq^le^ John A. of Brichtie, ſpouſe of John Ogiluy, bearing, that the ſaid Margaret conſtituted umq^le^ William Diſchingtoune, fiar of Ardroſs, and Elizabeth Creychtoune, his ſpouſe, and the heirs procreated of their marriage, whom failing, the heirs of the ſaid William whomſoever, her ceſſioners and aſſignees, in and to a Reverſion made by James Arbuthnot of that Ilk to the ſaid umq^le^ John, and his heirs and aſſignees, under redemption, of the lands of Balmakin, containing xx 166 merks 8 ſ. 10 d., dated at Deneſyd, Aug. 17, 1538, and ſubſcribed thus, 'MARGARET ARBUTHNOT, with 'my hand led at þe penne be Dauid Fethie, Notare—Ita eſt, Dauid Fethye, 'Notarius in premiſſis manu ſua,' although the ſaid Aſſignation was really made, forged, and ſubſcribed by the ſaid David long after her deceaſe, as confeſſed by him before the Lords of Council. ITEM, for giving falſe teſtimony and perjuring himſelf; he in his firſt examination deponing, that he ſaw the ſaid Margaret touch the pen, after the ſaid John Ogiluy had ſubſcribed the ſame; and

[1] Iron shovel or spade.

[2] Sentence is not recorded.

being thereafter examined, deponing, that he never faw her touch the pen, nor did he fee the faid John fubfcribe.—Sentence. His right hand to be ftruck off on the block, at the Market-crofs of Edinburgh: And to be Banished from the kingdom, and to be perpetually reckoned as Infamous: And all his moveables to be efcheated to the Queen.

Masterful Oppression — Wounding a Bailie of Leith, &c.

May 10.—Robert Sandis in Leith, and John Pyott there, 'Convict of arte and parte of þe felloune and maifterfull Oppreffion done to Walter Cant, Baillie of Leith, cumand vpoune him, vnder fylence of nycht, efter þe doumpaffing of þe fone, quhair he wes vpoune þe fchoir of Leith, in fobir maner, as become ane officer berand auctorité of ane Toune or burcht, belevand na evill of ony perfoumis, bot to haue levit vnder Goddis peax and our fouerane ladeis; and perfewing of þe faid Walter for his flauchter, in þe mentyme, quhen þe faid Baillie wes cawfand fend for ane officiar to put Hannis Myllare in Waird, quha þare, in prefens of þe faid Baillie, had hurte and woundit ane Duche mariner callit . . . . . in his face and dinerfe vþeris pairtis of his body, and þair with fwerdis, buklaris, Jedburcht ftalffis, and vþeris wappynnis invafiue, crewellie hurte and woundit þe faid Walter in his left hand, to þe greit effufioune of his blude; the faid Walter þanne, as Baillie of þe faid Toune of Leithe, being in executioune of his office, and deforcing him þairin: And als of þe reving and taking, at þe leift preuatlie convoying of þe faid Hannis Myllare, quha had committit þe cryme foirfaid in prefens of þe faid Baillie, in maner aboue writtin, fra þe faid Walter, he being commandit to remane quhill þe officiaris of þe faid toune fuld haue cumin to him to haue wardit or prefentit him to our fonerane ladeis Juftice or his deputis, to haue vnderlyne þe law and pvnift for his dimeritis, conforme to þe lawis: And fwa, fortefeit and mantenit þe faid Hannis Myllare in committing of þe cryme aboue fpecifeit, and wes arte and parte with him þairintill; and withhalding of him fra þe lawis and pvnifment for þe crymes aboue writtin.'—Andro Sandis and George Chalmer, in Leith, came in will for the fame crime.

Hamesuckin — Besieging the House of Penkill, &c.

May 23.—Thomas Kennedy of Bargany, John and Alexander, his fon and brother, David K., fon of the Laird of Bennane, William Cauldwell, and feventeen others, found Sir Hugh Campbell of Loudoune, kn^t^, furety for their underlying the law at the next Juftice-aire of Air, for Convocation of the lieges, armed in warlike manner, and coming by way of Hamefucken to the dwellinghoufe of Adam Boyd of Penkill, and Invading him, his wife, children, and fervants, for their Slaughter, and befieging them in the faid houfe: And for Hurt-

ing and Wounding . . . . . Kennedy, his wife, with ſtones; committed on January 29 laſt.

Abiding from the Raid of Dunse and Langtoun.

Jul. 2.—ROBERT STEWARTE in Neilſtonneſyd, found ſurety for his entry at the next aire of Renfrew, to underly the law for contemptuouſly abiding from the Queen's Army, ordained to convene at Dunſe and Langtoune, on Apr. 18 laſt.

Abiding from the Raid of Lauder.

[AMONG a great many others of less note who were charged with Abiding from this Raid, Alexander Muir of Skaithmuir, Walter Forrester of Durrisdale, John Quhitefurde of Myltoune, William Baillie of Cormestoune, James Lokert of Lee,[1] James Auchinlek of Twedy, John Muir of Nesbet,[2] John Someruile of Cannethane, Robert Park of Gilbertfeild, John Hammyltoune of Pedderisburne, David H. of Boithuilshauche, Andrew H. of Lekprevik, Gawin Murray of Udstoune,[3] Stephen Dudingstoune of Sandfurd, Thomas Grundistoune of Kyngask, Andrew Lundy of Stratharlie, William Spittell of Lewchat, Alexander Mortoune of Randerstoune, John Seytoun younger of Lathreise, James Spens of Lathalland, James Ballingall of Riggis, James Lochmalony of that Ilk, Alexander Pitblado of that Ilk, William Ballingall of that Ilk, William Archibald of Blakhall, Archibald Dudingstoune of Pitkapill, Alexander Barculay of Syde,[4] James Wischert of that Ilk, William Lyell of Murthill, Alexander Pyote of Fovertie, Gilbert Auchinlek of that Ilk, David Ogiluy of that Ilk, David Fentoune, grandson of the Laird of Ogill, James Skrymeour of Balbeuchtie, John Kynneir of Henderstoune, came in the Queen's will, found caution to answer at the Justice-aires of their respective shires, or were proved to be sick. Some of them were replegiated to Regalities, &c. Between this date and the month of October following, during which period the above names occur, no Declarations of the Queen's Will or Sentences are recorded.]

Jul. 7.—JOHN LEVINGSTOUN OF CASTLECARY, came in Will for contemptuouſly abiding from the Queen's Army, ordained to convene at the burgh of Lauder, on April 1 laſt.

Slaughter.

Sep. 13.—JOHN GARDEN in Penbrek, in Glenmuir, Convicted of art and part of the cruel Slaughter of James Reid in Halfpennyland; committed in Auguſt laſt, on ancient feud and forethought felony, &c.—BEHEADED.

[1] 'The Lard of Ley allegis, that at the tyme of THE RAID he hurt his leg, in ſic ſort, that he mycht nother ride nor gang to the Raid; theirfor ſend his ſeruandis.' [2] 'Allegis that he is ſeik in the GRAVEL, and was nocht at the Raid, and mycht nocht ride, and is vnable of his body and guttis, and ſtopping at his hart—and nocht ſubſtantius; and hes bene ſua be the ſpace of thir five ȝeiris bigane; like as, be inſpectioune of his body, may be conſiderit.' [3] 'Allegis that he is paſt the yeiris, and nocht able of his body, and is rumburſin (ruptured), thairfor he is nocht able to paſs thairto, and is impotent of his perſoune, and ſend his ſone for him.' The above entries are from a *Scroll Book*, and are given as a specimen of the excuses which were then urged for absence. Other notices of a similar description have already been given in the course of the present Collection, which renders it unnecessary to cite more instances in this place. It may be remarked, however, that the Treasurer was usually inexorable in his demands for such offences, and exacted very heavy sums for Compositions, owing to the exhausted state of the public coffers. [4] Proved to be mad.

Persewaris, Rot Crawfurd of Clollellane, The Laird of Auchinkreif, Mr Alexr Skayne.
Foirspekar, (or 'Prelocutour,') Mr Johnne Dunbar.

Assisa.

James Dalrumpill of þe Stair,
Will. Kirkpatrik of Kirkmychaell,
Johnne Campbell of Schankftoune,
Thomas Stewart of Gauftoune,
Dauid Kennedy of Culȝene,
Roger Kilpatrik of Clofburne,
Johnne Bannatyne of Coig,
Wm. Kennedy, fone to þe Laird of Cove,
Wm. Anderfoune in Clofburne,
Hew Campbell, bruþer to þe Laird of Shankftoune,
Moreife Dalrumpill in Waterfyd,
Williame Stewarte of Dundufe,
Ja. Cunyngame in Carmalloche,
Jo. Cunynghame in Quhitehill,
Patrik Boyle in Blakland.

Treasonably bringing in the English — Burning Kirkmichaell, &c.

Oct. 29.—Christopher Johnnestoune in Mylbank, Patrick J. in Watterheid, William J., called *Williame the Skowpare*, Robert J. in Hilhouffis, and their accomplices, dilated for treafonably bringing in Richard and Fergus Grahame, brothers, and others of our ancient enemies of England, to the number of 500 perfons, to the town and lands of Kirkmichael, and Burning thereof; and for other crimes charged in the Letters. Alexander Kirkpatrick, brother of William K. of Kirkmichael, fined 500 merks for not reporting the Letters purchafed by the Laird of Kirkmichael duly executed, &c.

Slaughter — Mutilation.

Nov. 16.—John Skrymgeour, fon of James S., Conftable of Dundee, David Fentoune, fiar of Ogill, Mr David Abircrummy of Gourdy, and nine others, found caution to underly the law at the next aire of Forfar, for art and part of the Slaughter of William Currour, fon of Andrew Currour of Logymekill, and for the Mutilation of Thomas Currour of his right hand; committed on ancient feud and forethought felony, on Auguft 15 laft.—Andrew Falconer, brother of the Laird of Kynnabir, was denounced rebel, &c. and his cautioner amerciated for his non-appearance—and James Fentoun, brother of David, was proved to be fick.

Slaughter of a Chaplain, committed by a Priest.

Jan. 13, 1558-9.—Sir David Coluile, preift of the diocefe of St Andrews, Replegiated by the Commiffary of the Archbifhop, to underly the law for the Slaughter of Sir Thomas Small, chaplain; committed in September laft, on forethought felony. Sir Walter Bunfch, chaplain, became furety.

Wilfull Fire-raising — Burning Barley, Oats, Wheat, &c.

Feb. 15.—Alexander Hwme, brother of Criftell Hwme of Barro, and Margaret Hwme his fifter, found furety[1] that they fhould underly the law

[1] Sir John Hwme of Coldinknowis, and Criftel Hwme of Barro.

at the next aire of Berwick, for the cruel Fire-raiſing and deſtruction of five 'ſtakkis' of barley, one 'ſtak' of barley and oats, and one 'ſtak' of wheat and peaſe, extending to ſixteen ſcore 'thravis,' computed at nine ſcore bolls, belonging to George Wauchop, burgeſs of Lauder, being in his 'barne-ȝaird;' together with a dwelling-houſe and barn; committed upon Sep. 26 laſt, under ſilence of night.—(Mar. 18, 1561-2.) Cautioners fined 700 merks for not entering pannels; who were both duly denounced rebels, and put to the horn, &c.

Stealing from the Queen Dowager's Chief Cook.

Feb. 27.—ALEXANDER ROSS, ſervant to Iſſobell Kynglaſſie, ſpouſe of Thomas Marſchell, chief Cook to THE QUEEN DOWAGER, Regent of Scotland, delated of theftuouſly ſtealing, in company with the ſaid Iſſobell, from the foreſaid Thomas, furth of a cheſt or 'ſchryne,' in his chamber in the burgh of Perth, of a box with 420 merks therein; and together with two ſilver goblets, called 'ſiluer pecis,' and twelve ſilver ſpoons, and ſundry other goods; committed on Dec. 7 laſt.—John Roſs, his cautioner, unlawed, and the ſaid Alexander ordained to be cited again to underly the law, under the pain of Rebellion.

Intercommuning with an Engliſhman.

May 8, 1559.—'JAMES ȝULE, ſumtyme in Drumfreiſe, for Intercommuning with Maiſter Ninian Manwell, Ingliſmanne, vpoun preuie beſyneſſe, ſend be his wife furth of Ingland vnto him, off his awin conſent decernit be þe Juſtice to be BANIST þis realme perpetualie, and to departe within xx dayis; and nocht to returne agane within þe ſamin, without Licence of our ſoueranis Lord and Lady, vnder þe pane of deid.

Slaughter of Sir David Forbes, knight, in Ward.

JAMES BRYDIN, ſon of Ninian B. in Ruthirfurde, and William Allane, and Thomas his brother there, found John Stewarte of Traqwair ſurety for their entry at the next aire of Roxburgh, to underly the law for art and part of the cruel Slaughter of Sir David Forbes, knt, under the cuſtody of the Tutor of Pitcur, within the burgh of Rutherfurde; committed on Mar. 1 laſt.

Preaching the Doctrines of the Reformation at Dundee & Montroſe.

May 10. (*apud Striueling.*)—PAUL METHWENE was denounced rebel, and put to the horn as fugitive, &c., and George Luvell, burgeſs of Dundee, his cautioner, was amerciated, for his not appearing to underly the law for Uſurping the authority of the Miniſtry of the Church, and for taking upon himſelf the ſervice thereof, not being lawfully admitted thereto, at the feaſt of *Paſche*, viz.

on Mar. 26 laſt, and daily for the ſpace of three days immediately preceding the ſaid feaſt, and continually thereafter, adminiſtering the Sacraments of the Altar to ſeveral of the lieges within THE BURGHS OF DUNDEE and MONTROSE, and ſundry other places, in a manner far different from the divine and laudable uſe of the faithful Catholic Church: And alſo for Convocation and gathering of the lieges within the ſaid burghs, at the time foreſaid, he not being admitted or approved of by the Ordinaries of theſe places; and without their licence, haranguing and preaching to the ſaid lieges, and perſuading and ſeducing them to his erroneous and ſeditious doctrines and Hereſies; thereby Uſurping the King and Queen's authority, and ſtirring up the lieges to commit Sedition and Tumults, contrary to the Proclamations.

Preaching the Doctrines of the Reformation at Perth, &c.

(May 10.)—FRIER JOHN CRISTESOUNE and WILLIAM HARLAW denounced rebels, as fugitive, &c. and their cautioners, *John Erſkine of Dune* and *Patrick Murray of Tibbermuir*, were amerciated, for their not entering to underly the law for their Uſurping the authority of the Church, in taking at their own hands the Miniſtry thereof, &c. as above, within THE BURGH OF PERTH, and other places adjoining, within the ſhire of Perth.

Preaching the Doctrines of the Reformation at Ayr.

(May 10.)—JOHN WILLOK denounced rebel for the ſame cauſe, for preaching, &c. within THE BURGH OF AIR. Robert Campbell of Kynzecleuche, his cautioner, was at ſame time amerciated.

[ANOTHER unfortunate *hiatus* occurs in the series of THE BOOKS OF ADJOURNAL, from this date, to the close of the reign of Mary Queen of Scots. There is good ground for conjecturing, that many of the public Records of this kingdom, embracing from the earliest period of the Reformation downwards to the years of the reign of King James VI, had long ago been wilfully destroyed, apparently for the purpose of suppressing evidence of the many religious and political struggles which occurred during these eventful years. The only materials now left are three small quarto volumes of the scroll-books, kept by one of the under Clerks of Court, marked '12 Book,' from Mar. 12, 1560-1, to May 13, 1562; 'Aucht Buik,' from May 19, 1563, to May 19, 1564; and 'Nynt Buik,' from May 24, 1564, to Mar. 6, 1565. Besides these, there is a scroll Caution book, irregularly kept, from Jun. 18, 1563, to Nov. 25, 1566. Although the notices which can now be gathered from these books are meagre, they are in many respects valuable.

The Editor has, as usual, availed himself of the other Records,[1] so far as they elucidate the Criminal proceedings of that period.]

Wounding Lady Pittendreich's Servants.

Mar. 12, 1560-1.—JAMES HAY OF MAYNE, George Monro of Dalcarthy, Alexander Guthrie in Elgyne, and ſeven others, burgeſſes of Elgyne, delatit for Convocatioune of our ſouerane ladeis lieges, to þe nowmer of viij^xx (*eight ſcore*) perſonis, or þairby, þe viij day of Januar laſtbipaſt, bodin in fere of weire, incontrare þe Actis of Parliament, and ſetting vpoun Alexander Robertſoune in Pittendrech, &c. tenentis and ſernandis to Elizabeth Douglas Lady of Pittendreyche, and hurt and woundit þaim in diuers pairtis of þair bodeis, to þe gret effuſioune of þair blude, and left þe ſaidis Alexander Robertſoune and Alexander Henry (in Brovnſyde) liand for deid, vpoun ald ffeid and foirthocht felony, &c. Guthrie and two others to anſwer att the next aire of Elgin and Forres.—(Apr. 30.) Amerciated for non-appearance, (and denounced rebels)

Slaughter.

Mar. 13.—WILLIAM RAMSAY, Convicted of art and part of the Slaughter of Richard Henryſoune, 'ſervitour' to the Maſter of Sinclare; committed at the weſt end of the town of Dyſert, on 7 March inſtant.—BEHEADED.

PRELOCUTORS, John Forret of that Ilk, Cuthbert Ramſay, burgeſs of Edinburgh.

ASSISA, John Anſtruther of that Ilk, Andrew Farny of that Ilk, William Bonar of Roſſye, Andrew Murray of Balvaird, Mr James Wemys, and others of leſs note.

Slaughter & Mutilation of two Sons of the Laird of Logy-Megill.

Mar. 17.—JAMES FENTOUNE OF OGILL, James Lyoun of Eaſter Ogill, and ſeven others, found David Earl of Craufurd ſurety for their entry on Apr. 30, to underly the law for art and part of the cruel Slaughter of William Currour, and Mutilation of Thomas Currour, ſons of Andrew Currour of Logy-Megill; committed within the burgh of Dundee, in Auguſt 1588.

PRELOCUTOURIS for þe pannell, Mr Johnne Abircrummy, Mr David Quhytelaw, The Laird of Creych.

PERSEWARIS, Andro Currour of Logy-Mekill, Stevin his ſone, Mr Robert Creychtoun.[2]

The pannels were all reſpited,[3] & found caution to ſatisfy the Queen and parties.

[1] The reader is referred to THE ACTS OF PARLIAMENT, edited by *Thomas Thomson, Esq.*, where much valuable historical matter, illustrative of the History of this reign, is preserved. It was found to be impossible to select the portions which relate to Criminal matters. [2] He took instruments that he 'comperit as Advocate for þe QUENE, and hir interes alanerlie.' [3] Apr. 30, 1561.

(May 13, 1562.)—The pannels came in the Queen's will.

Prelocutouris for þe pannel, þe Maiſter of Wark, Mr Jhone Abircrumbye.

Prelocutouris for þe perſewaris, My Lord Ogilbye, The Lard of Innerquharité, The Laird of Clovay, The Lard of Roſſe, The Lard of Monquhanye.

(Jun. 10, 1563)—David Earl of Craufurd became cautioner for his entry in Ward, in Edinburgh, on xv days warning, under the pain of 1000 merks.

Robin Hood — Abbot of Unreason — Lord of Inobedience.

Jul. 20, 1561.—Robert Hannay, ſmyth; James Cowper, tailȝeour; Thomas Johneſtone, cordiner; Andro Henderſone, ſwerd-ſlipper; Andro Richemanne, cuke; William Clerk, talburnar;[1] James Fawſyid, talburnar; Johne Cok, tailȝeour: Patrik Mow, talboner, and Alexander Biſſet, taburner. The quhilk day, James Cowper, tailȝeour, come in Will for arte and parte of þe cheſing[2] of George Durye in Robert Hude, vþerwayis calland and nemmand him Lord of (In)obedience (Misrule), amangis þe Craftiſinen and þair ſeruandis, within þe burgh of Edinburgh, in þe moneth of Apryill laſt bypaſt, foreſeand and aſſiſtand to him incontrair þe tennour of þe Act of Parliament, and for breking of þe ſaid Act: Item, for breking of þe Proclamatioun of þe Proveſt and Bailleis of Edinburghe, maid for obſerving of þe ſaid Act, forbiddand all þe Inhabitantis of þis burgh, þat nane of þame ſuld tak vpoun hand to cheiſe ony ſic perſone in Robene Hude, Abbot of Vnreaſone, or ony vþer name within þe ſaid burgh: Item, for Convocatioun of our ſouerane ladies liegis, in cumpany with þe ſaid George Durye, callit Lord of (In)obedience, to þe nowmer of . . . . . perſones, bodin in feir (of weir), with ane diſplayit handſenȝé,[3] halbrownis, jakkis, culveringis, morrionnis,[4] twa handit ſwerdis, cotis of malȝé, and vþeris wapynnis invaſive, vpone Soneday þe xij day of Maii laſt bypaſt, in cumpanye with certane brokin men of were, betuix thré and four houris eftir none, cumand within þe burghe of Edinburghe, enterand at þe Eiſt Porte þairof, and paſſed to þe Trone þairof, quhair þai wer met be ane parte of þe Bailleis, counſale, and officiaris of þis burghe, and chargit be þame to pas abak, and devyid þame of þe ſaid burghe, for eſchewing trouble and miſordour in þe ſamyn: And, nochtwithſtanding þe ſaid charge, violentlie and contempnandlie paſſand fordward to þe ſaid Caſtell-hill, and returnand agane to þe Portis of þe ſaid burghe; vſand þe ſamyn be iſche and entre, at þair pleſour, makand plane rebellioun and inobedience aganis þe Magiſtratis of þe ſaid burgh.

Thomas Johnſtone, in Will for breking of þe ſaid Act of Parliament and Proclamatioun maid be þe Magiſtrates, *vt ſupra.*—*Andro Hendirſone*, in Will for breking þe ſaid Act and Proclamatioune foirſaid.—Item, þe ſaid *Andro*

[1] A drummer, or player on the *talbron* or *tawburn*. [2] Choosing. [3] Ensign; banner. [4] Morions.

(Henderſone) Convict of þe making of þe ſaid Convocatioune and rebellion aganis þe Magiſtratis, in maner foirſaid.—*Jhone Coh*, ffylit for breking of þe Act of Parliament in cheſing of þe ſaid LORD OF INOBEDIENCE, and breking of þe Proclamatioun maid be þe Magiſtratis, in maner foirſaid, alanerlie.[1]—*Andro Richeman*, Convict for aſſiſtence to þe ſaid Lord of Inobedience and his complices, in breking of þe ſaid Act and Proclamatioune; and furneſſing of þame of meit and drink.—*James Fawſyid, Patrik Mow, Alexander Biſſett*, Convict of þe breking of þe ſaid Act, Proclamatioun, convocatioun, and rebellioun foirſaid, conforme to þe Dittay.

Rioting in Edinburgh—Choosing a 'Lord of Inobedience,' &c.

Aug. 8.—JAMES FRASER, ſaidlar; Andro Hammiltoun, cuttlair; Nicol ȝoung, tailȝeour; Nicol Rynd, tailȝeour; Willeam Moreſone, Andro Gottirſone, FYLIT be ane Aſſyiſe of Intercommonyng with George Durye, tailȝeour, vþerwayis callit LORD OF (IN)OBEDIENCE, and vþeris his collegis, prentiſſis,[2] and ſeruandis to þe Craftiſmenne within þis burghe, being our ſouerane ladeis rebellis and at hir horne, put þairto be hir Letteris, in defalt of finding ſouirtie to vnderly þe law for breking of þe Act of Parliament, in cheiſing of þe ſaid Lord of (In)-Obedience, tvmult, and ryſing aganis þe Magiſtratis of þe ſaid burgh, be way of rebellioun, and vþeris crymes contenit in þe ſaidis Letteris, in þe moneth of July laſt bypaſt and Auguſt inſtant. AND ALS, þe ſaidis perſonis, and *Walter Wawane, James Henderſone*, fleſcheour, *Hary Quhyte*, cordiner, *Alexander Scott, Thomas Ewin*, goldſmyth, *Dauid Kynloch, Patrick Schang*, FYLIT be þe foirnemmit perſones of Aſſyiſe, for diſobeyance of þe Proveſt, Bailleis, and magiſtratis of þe burgh of Edinburgh, and auctorité þairof, vpone þe xxj day of July laſt bypaſt, quhen þe ſeruandis and prentiſſis of þe Craftis þairof, wer aſſegeand and invadand þe ſaidis Proveſt and Bailleis in þe tolbuyth of þe ſaid burgh, be abſtracting and withdrawing of þame ſelffis fra þe help, ſupporte, frething, and releving of þame, and for ſaiſtie of þair lyves, and fortefeing and participatioune of þe ſaidis Proveſt and bailleis, to ſtenche and repreſs þe ſaid tvmult, and taking and apprehending of þe ſaidis perſones, Craftis-childer,[3] and prentiſſis, committeris þairof; lyik as they aucht to haue done, of þair aythis, quhen þai were creat burgeſſis of þis burgh, and bundin dewtie.

Hurting and Wounding—Hamesuckin.

Aug. 22.—JAMES LOCKHERT OF þE LEY found caution for his entry and twenty-three of his tenants, &c. at the next aire of Lanark, for 'þe crewall Hurting and Wounding of John Hammiltoune in Henſchaw, be way of Hameſuckin.'

[1] Only, alone. [2] Apprentices. [3] Literally *children;* lads, youths.

Slaughter of Lady Ulleshaven.

Dec. 1.—James Schoriswod delatit for arte and parte of þe crewell Slauchter of vmq^le^ Helene Stirling, Lady Ulleſhevene.[1]

Prelocutouris for þe pannel, Mr George Strang, James Crawmound of Aldbar.

The quhilk day comperit in jugement James Stratoune, and James Lychtoun, Parſone of Dunloppy; and þai being requirit be þe ſaid James Schoriſwod, gyf þai wald perſew him of his lyfe for þe ſaid Slauchter? Anſuerit, þat þai wald perſew him for þe ſamyn. And þairupon þe ſaid James Schoriſwod aſkit ane Act of Court and inſtrumentis, and proteſtit þat þe ſaid Parſone ſuld tyne his benefice, conforme to þe lawis.

Thomas Guthre of Kynbach proteſtit for his dampnage and ſkayth ſuſtenit be him, þat inſafar as he wes chargit be þe Letteris to vnderly þe law, and þat na party comperit to perſew him, that he mycht reconer þe ſamyn, ovther vpone þe officiar executour of þe Letteris or party; and þairupoune aſkit inſtrumentis.

Horse-stealing.

Dec. 1.—Williame Cadenheid Convicted for art and part of 'þe thefteous Steling of ane blak cut-tailit horſe fra þe Erle Marſchell, and ane gray horſe fra James Anderſoun; quhairwith he wes tane reid-hand.'—Hanged 'on þe gallowſe of þe Burrow-mure.'

Oppression — Imprisonment — Exacting Ransom.

Dec. 5.—Robert Innes of Innermarky, John Innes of Auchluncarye, and ſeven others, found ſurety ('Jhone Erle of Suthirland') to underly the law at the nixt aire of Elgin and Forres, 'for þe Oppreſſioune done to Schir Alexander Robertſone, cumand with þair complices, bodin in feir of weir, in þe moneth of July laſt bypaſt, to þe Haltoune of Lambryid, and þair maiſterfully tuke him furth of þe ſamyn, and had and cariit him with þame to þe Place of Plewlandis, quhair þai held him in ſtrait priſoun and Captiuite be þe ſpace of four dayis; quhill[2] Marioun Ogiluy, Lady Innermarky,[3] his maiſtres, threw þe feir ſcho tuke, quhen þe ſaid Robert, hir ſon, boſtit[4] and ſend her worde, "þat he ſould ſend þe ſaid Schir Alexanderis heid to hir," gaif to him þe ſum of ij^c^. merkis in hand, and vther twa hundreth merkis to be payit at Candilmes and Witſonday, with þe ȝeirlie terce[5] of Vgſtoune and Plewlandis, for þe ſaid Schir Alexanderis ranſome and latting of him to libertie; vſurpand þairthrow our ſouerane ladeis auctorite.'

[1] See Trials for this barbarous Murder, I, * 344, 350, &c., and Appendix. [2] Until.
[3] Mother of the Laird. [4] Threatened. [5] The *terce*, or third, due to her as widow.

'Ombesetting the way'—Wounding—Mutilation.

Dec. 6.—Thomas Harrot, in Coifland; Crifteane Carfra, his fpous; Henry C., elder, in Redinghill; Henry, his young fon; John and James C., in Standanftane; and Beffye Litfter, 'dilatit for Ombefetting of þe gait, vnder filence of nycht, in þe moneth of Auguft, 1568 ȝeiris, to Robert Dowglafs, in Duchrye, vnder þe Lard of Bafs, be way of Brigancy, quhair he wes paffand fra þe toun and landis of Poppill hame to his awin dwelling-place in Dowchrie, befyid þe dwelling-houfe of þe faid Henrye Carfra, at þe peth-fute of Stenypeth, callit Ridinghill, and þair crewelly invadit þe faid Robert for his Slauchter, and hurte, and wondit him in diuerfe partis of his body, to þe gret effufioune of his bloode; and hes Mutilat him of his thrid finger of his rycht hand, and left him lyand for deid; vpone ald ffeid, provifioune, and foirthocht felony and fett purpoife.

Prelocutouris for þe pannell.
Mr Alexander Skene, My Lord Borthwik, The Lard of Traquair, My Lord Bothwill.

Continued to Jan. 15, Lord Borthwik and James Earl of Bothwell, cautioners. —(Jan. 15, 1561-2.)—James Someruill of Humby became cautioner for their entry at the next Juftice-aire of Edinburgh.

Hamesucken—Wounding—Child-Murder.

Robert Dowglass, in Dowchry, under the Laird of Bafs, and Margaret, his daughter, 'dilatit of þe cuming, with þair complices, vpone þe fyft day nixt eftir þe feift of Lambes, (Auguft 6th,) 1561 ȝeris, vnder filence of nycht, be way of Hamefuckin, to þe duelling-houfe of Henry Carfra, in Ridinghill, he þan himfelff being departit þairfra, convoying of fum freindis quhilkis þat day had bene with him in cumpany, and þair ferchit and focht þe faid Henrye for his Slauchter; and þe faid Thomas þan beand ftandand in fober maner, dowlatt alane,[1] without armour or wapnis, accumpaniit with his wyff and Beffye Litfter alanerlie, befoir þe faid Henryis dur,[2] traifting na harme, &c., þe faid Robert Dowglafs lychtit[3] of his horfe, and without ony occafioune invadit þe faid Thomas for his Slauchter, and hurte and woundit him in his left arme and face, to þe effufioun of his blood in grite quantitie: And þat fame tyme crewelly ftrak þe faid Thomas fpous, with fundrie ftrekis with fute and hand, fcho beand grite with barne; throw þe quhilkis ftrekis fcho pairtit with barne at hir hamecoming.'

They 'offerit þame to ane Affyife, and defyrit na continewatioun;' but the same procedure took place as in the foregoing case.—The Laird of Quhittinghame became surety for them.

[1] Unarmed, defenceless. Having only his coat or doublet on. [2] Door. [3] Alighted.

Convocation of the lieges in Kirkwall.

Dec. 9.—Mr Alexander Dick, Provost of Orknay, Schir Magnus Ramſay, Chaiplaine, Schir Duncane Rameſay, Chaiplane in Orknay, found caution,[1] this day; and (on Dec. 5) Edward Sinclair, bruder to þe Lard of Roſlyng, and ten others, Mr Magnus Halcro, William Halcro, Nicoll Chalmer, and Freir Frances Bothwell, alſo found caution to underly the law on April 15 next, 'for Convocatioune and gaddering of our ſouerane ladeis legis, to þe nomer of iiij^{xx} (*four ſcore*) perſones, in þe moneth of September laſtbypaſt, iſcheid owt of þe Castell of Kirkwall, and cumand to þe Toune þairof, and ſerchit and ſocht Henry Sincler of Strone and Mr William Mudy for þair Slauchter, &c., and vþeris crymes contenit in þe Letteris direct þairupoune.'—After having been continued from time to time, the Caſe was at length (May 13, 1562,) referred to the Juſticeaire of Orknay.

Common Theft and reset of Theft.

'Will Ellot, callit *Woddir-nek;* Petir Trumbill, callit *þe Monk;*[2] and Henrye Blak, in Softlaw, Convict to be Hangit for Commoun Thift and Commoun reſſett þairof.'

Convocation of the lieges — Invasion — Wounding, &c.

John Edȝer of Woddirlye, Richard, Oliphar, James, and George Edȝer, and Robert Hude, 'deletit of Convocatioune of our ſouerane ladeis liegis, to þe nomer of iij^{xx} (*three ſcore*) perſonis, bodin in feir of weir, with jakis, ſwordis, ſteil-bonettis, daggis, culveringis, and vþeris wappingis invaſive, contrair þe Act of Parliament, vpone þe xviij day of September laſt bypaſt, cumand to þe landis of Rawburne, lyand within þe ſcherefdome of Berwik, pertening to Dauid Spottiſwode of þat Ilk, in heretage; and þair invadit and perſewit Jhone Vllaſone, James Hog, Jhone Wody, and þe remanent þe ſaid Dauidis tenantis of þe ſaid landis for þair Slauchteris, dingand and birſand þame with diuerſe baſe[3] ſtrekis, chaiſſand þame within þair awin malingis[4] ane grit ſpace, doand þat wes in þame to haue ſlane þame, vpone ſett purpoiſe, proviſione, and foirthocht felony, ſpecifit in þe Letteris direct þairupoune.'

Assisa.

The Larde of Blacader,	George Trotter of Prentonene,	The Lard of Blanerne,
The Larde of Spott,	Robert Hvme of Redheuch,	The Larde of Baſs,
George Home of Broxmouth,	Mr Richard Spottiſwod,	The Lard of Innerwike.[5]

Verdict.—The ſaid Larde of Woderley and his collegis being on panale, wer acquit, be declaratioun of þe ſaid haill Aſſyiſe, of þe foirſaidis crimes.

[1] George Crawford of Lefnoreis. [2] See notices regarding them in Extracts from the Lord High Treasurer's Accounts, in the *Appendix* to this reign. [3] Perhaps for *bauch.* [4] *Maillings*, small possessions. [5] The other four Assisors were only feuars.

JOHN SWYNTOUNE OF THAT ILK; William Redpeth of that Ilk, elder and younger; the 'Barroune' of Dalȝell; Thomas Niſbit, his brother; the Laird of Lochirmachus; George and Alexander, brothers of John Forreſter of Gammelſcheillis, and ſixty others, found ſurety to underly the law at the next Aire of Berwick for the ſame crimes.

Slaughter?

Dec. 13.—SCHIR JAMES HAMMILTOUNE OF CRAWFORDJOHNE, kn^t^, and John Gudelett, in Strabrok[1] (delatit for the Slaughter of vmq^le^ George Hammiltoune?)

PRELOCUTOURIS for þe pannell, Mr Dauid Borthuik, Mr Jhone Moſcrop, The Laird of Garlis, My Lord Levingſtone, The Abbot of Deir, My Lord Gray.

PERSEWAR, Agnes Murray, relict of vmq^le^ George Hammiltoune.

James Hammiltoune of Kincapill proteſtit that he producit the Letteris, dewlie execute and indorſat; and the ſaid Schir James proteſtit that the ſaid James producit the Letteris.—Andro Hammilton of Siluertone-hill, ſouerté for the entré of Schir James, and Schir James for ſouirte of Jhone Gudelett, the xxix day of Januar nixtocum.—(Jan. 29, 1561-2.) Continued to Feb. 25; the Laird of Calderwood and Sir James being 'ſouirteis.'—(Feb. 25.) Remitted to the next Aire of Lanark; the Laird of Trabroun and Sir James became cautioners.

Slaughter.

Dec. 15.—JHONE GLEDSTANIS OF COKLAW (dilatit for the Slauchter of vmq^le^ Thomas Peblis and Williame Bell.)

PRELOCUTOURIS for þe pannall, My Lord Home, The Larde of Coldinknowis, The Larde of Cranſtone, Mr Jhone Abircrumby, Williame Trumble alias *Proffit*, Robert Scott of Bonyngtone.

PERSEWARIS, Adame Bell, for Wm. Bell, &c., Alex. Hoppringill of Trinlinknowis, Jhone Oſwald.

The Aduocat producet the Lettir vnderwrittin, and deſyrit þe ſamyn to be regiſtrat; quhairof the tennour followis.

REGINA,

ADUOCATTIS, We greit ȝow weill. Forſamekill as Jhone Gledſtanis of Coklaw hes fund ficker ſouertie that he ſall compeir befoir our Juſtice and his deputtis in þe Tolbuyth of Ed^r^ þe xv day of December inſtant, to vnderly þe law for þe Slauchter of vmq^le^ Thomas Peblis and William Bell, and diuerſe vþeris crymes contenit in þe Letteris direct þairupone, as þe ſamyn beris. OURE WILL is heirfoir, and we charge ȝou þat ȝe aſſiſt and concur to þe purſute of þe ſaid Jhone for þe crymes contenit in þe ſaidis Letteris þe ſaid day, and ſe þat juſtice be done þairin, conforme to þe lawis of þis realme: As ȝe will anſuer to ws þairupone. Subſcriuit with our hand, at Halyrudehouſe, þe xij day of December, and of our regne þe xix ȝere. [MARIE R.]

[1] In a great many instances the names of the pannels, &c. are regularly noted in these Scroll-books, which were evidently intended merely as Memoranda for the Clerk, from which to extend the proceedings, aided by the Dittays and other warrants, into the proper Records of the Court. The crime may be inferred from the designation of the pursuer.

(Mar. 16.)—The Juſtice-principall being preſent, *Archibald Naper of Merchinſtone* maid fayth in jugement that he ſuld vſe þe office of Juſtice deputrie lelilie and trewlie, as efferis.—Continued to Mar. 26; William Cranſtone of that Ilk cautioner.[1]

Theft committed by an alleged Idiot and Minor.

Dec. 16.—James Guyld, indicted for Stealing, &c., as after ſpecified.

Prelocutouris for the pannell,
Mr Thomas M'cal3eane, Mr Alexander Sim, Mr Jhone Moſcrope, Mr Dauid Maitland, Archibald Douglas of Kilſpindie, Andro Murray of Blakbarronye.
Perſewaris, Neill Layng, Maiſter George Hackett.

Continued to Dec. xxiij.—(Dec. 23.)—Mr Alexander Sym, as prelocutour for James Guyld, beand callit to vnderlye þe law vpone his lyff, allegit that he is minor, within þe 3eiris of xviij þeir ald, as it may be conſiderit be inſpectione of his face, lyik as he is in deid, and ſalbe profin gyff neid beis; and þairfoir aucht nocht to vnderly ane Aſſyſe vpone his lyif, nor to thoill[2] jugement þairupone, noþer[3] be þe Commoun law, nor Municipale law, or vſe of þis realme. And attour[4] þe barne him ſelff is ydiot of natur, nor hes nocht þe knawlege to decerne þe perrell and þe feir of deid;[5] and þairfoir aucht not for to vnderly ane Aſſyſe, as ſaid is, of lyif: And forder, is ſubdewit[6] to ane malancolius hvmour, naturallie deſcendand from his progenitouris, ſwa þat he is mair deſyrus to dee nor to leif,[7] as be experience is notour, be ſamekill þat his fader exponed him ſelff ſindré tymes to þe perell of deid, and wald haue drowned him ſelff in þe North Loch, wer nocht he wes releved þairfra be nychtbouris; and ſyclyik Maiſter Walter Guyld, his fader bruder, occupiit with þe ſame hvmour, ſlew him ſelff in Paris. And þairfoir, þe ſaid James, beand bayth minor, and approache-and mair to pupillaritie nor[8] maioritie, and occupiit with þe ſaid hvmour, mair willing to dé nor to leif, and haifand na cuyr[9] of deid, aucht not to vnderly þe law for þe lybellit pretendit cryme, and aucht not to periſe,[10] ſuppois he wald peris, *quia non auditur perire volens.* And eikis[11] allegeance, þat þe ſame boy ranne ſindrie tymes nakit to Ingland, and left his claythis[12] behind him; and ſwa may be vnderſtuid þat he hes this ſaid hvmour, as ſaid is; and offeris him to preif þe ſaid allegeance ſufficientlie.[13]

The Justice Findis, be Interlocutour, þat þe ſaid mater ſould paſs to Aſſyſe, nochtwithſtanding ony allegeance, becauſe of þe practik ſene of beſoir.

[1] No farther trace appears in the Record. It is probable that Remission had been obtained, or that the case was remitted to the next Justice-aire. [2] Suffer. [3] Neither. [4] Moreover. [5] Death. [6] Subjected, liable to. [7] To die than to live. [8] Than. [9] Care. Lat. *cura*; viz. reckless, indifferent, or careless of death. [10] Perish. [11] Adds. [12] Clothes. [13] This Trial has been selected chiefly on account of the remarkable phraseology employed by the pannel's 'Prelocutour,' and from the curious enumeration of the articles stolen, as detailed in the Verdict.

VERDICT. James Guild, Convict,[1] be deliuerance of þe ſaid Aſſyiſe,[2] of arte and parte of þe thiftius Steling and taking furth of þe purſe of Elizabeth Danielſtoune, þe ſpous of Neill Layng, hingand vnder hir aprone, in þe moneth of Apryill, vpoun ane Monunday, ane mercat day of Edinburgh, ſcho being vpone þe Hie Streit, ſtandand at þe crame[3] of Willeam Speir, indweller in þe ſaid burgh, in comoning with him, þe tyme of þe putting of ane ſtring to ane penner and yncome quhilk ſcho had coft fra þe ſaid cramer, of ane ſignet of gold; ane vther ſignet of gold, ſett with ane cornelene; ane gold ring, ſett with ane grite ſapheir; ane vther gold ring, with ane ſapheir formit like ane harte;[4] ane gold ring, ſett with ane turquhaſe;[5] ane ſmall dowble ring of gold, ſett with ane dyamont, and ane rubye, ane ald (*old*) Angell-Nobill, and ane Cuffett dukett.[6]

[*Archibald Earl of Ergyle, Juſtice General.*]

Rioting to restore the Popish Religion, &c.

Dec. 24.—MAISTER WILLIAM BALFOUR, indweller in Leyth, found caution to appear on the laſt day of December, under the pain of 1000 li., to underly the law for the crimes following:—(Dec. 31.) CONVICTED by an Aſſiſe[7] 'off arte and parte of þe contrauenyng and breking of our ſouerane ladeis Proclamatioun, maid in þe moneth of Auguſt laſt bypaſt, eftir hir hienes arrivell within þis realme; chargeing in effect, all and ſindrie hir legis, be opin Proclamatione, at þe mercate-croce of Ed[r] and vþeris places neidfull, that þai and euery ane of þame ſuld contene þame ſelffis in quietnes, keip peax and ciuile ſocietie amangis þame ſelffis; and in þe meyntyme, quhill[8] þe Eſtatis of þis hir Maieſteis realme mycht be aſſemblit, and þat hir hienes had takin a finale ordour be þair aviſe and publict conſent, þat nane of þame tak vpone hand, privatlie nor opinlie, to mak ony Alteratione or innouatioune of þe ſtate of RELIGIONE, or attemp ony thing aganis þe forme quhilk hir Maieſtie fand publicklie and vniuerſalie ſtanding at hir Maieſteis arryving within þis realme, vnder þe pane of deid; with certificatione, þat gyff[9] ony ſubiect of þis realme ſuld cum in þe con-

[1] No traces are left on record of the fate of this poor creature; but it is likely that the punishment was trivial, and that his relations would be bound over, under penalties, for his future good behaviour. [2] Thirteen burgesses. [3] The last remnant of the booths of the Cramers of St Giles's Church, Luckenbooths, &c., were pulled down about twenty years ago, to widen the High Street. [4] The Crames' formed part of a small alley on the North side of the Cathedral. [4] These were favourite love-tokens among all ranks, varying, of course, in value. [5] Turquois. [6] Ducat. It has frequently been remarked, in the course of the present Collection, that the burgesses, as well as the nobility and gentry, were possessed of plate and jewellery to an extent greatly beyond what is now usual—and perhaps this may be accounted for from the difficulty of investing the large capital which many merchants and burgesses acquired in business or otherways. So ostentatious were the burgesses and their wives, that many legislative enactments were required to repress their passion for dress and finery. A reference to these sumptuary laws may prove not uninteresting to the curious inquirer into the manners and customs of this country. [7] They appear to have been burgesses of Edinburgh. The only names of any note were The Laird of Spottiswod, Mr James Watsone, Mr Michael Cheisholme. [8] Until. [9] If.

trare heirof, he ſuld be eſtemit and haldin ane Seditious perſone, and raſer of Tumult, and þe ſaid þane ſuld be execute aganis him with all rigour, to þe exemple of vþeris; as þe ſaid Proclamatione mair fullelie proportis;—be committing of þe opin and manifeſt crymes and offenſſis eftir ſpecifeit, þe tymis eftir mentionat, *reſpectiué*, in maner following. IN þe ffirſt, In þe moneth of Nouember laſt bypaſt, as ane Seditious perſone and raſer of Tumult, contrair þe tennour of þe ſaid Proclamatione, ſaid opinlie and planelie in my lord of Inuermethis Place of Reidcaſtell, that 'þe RELIGIOUN now REFORMIT,[1] and miniſtratioun of þe Sacramentis according to Godis Word and inſtitutioun, within þis realme, wer not of God, nor ȝit conforme to his Word; and þairfore þe ſamyn and þe Holy Communioun ſuld be vterlie aboliſſit within twa ȝeiris nixt eftir þe dait of þe ſaid Contract;' and þairupone contractit and maid ane Wodſet with þe Lard of Wateris. ITEM, þe ſaid Mr William CONVICT be þe ſaid Aſſyiſe as controuener of þe ſaid Proclamatioun, be reſone he accumpanit with certane wicked perſones, ſawaris of diſcord and raſeris of Tumult, vpone ſett purpois, come to þe Parroche Kirk of Edinburgh callit SANCT GELIS KIRK, quhair Jhone Carnys wes examinand þe commoun pepill of þis burgh, befoir þe laſt Communioun miniſtrat þairin, according to þe ordour takin and appointit be þe Miniſter, Elderis, and Deacones of þe ſaid Kirk; and þe ſaid Jhone, beand demanding of ane pover woman, 'Gyff ſcho had ony hoip of ſaluatione be hir awin gud werkis? þe ſaid Maiſter William, in diſpytefull maner, and with thrawin continance,[2] having na thing to do at þat tyme in þe ſaid Kirk bot to trubill þe ſaid Examinatioune, ſaid to þe ſaid Jhone þir wordis, 'Thow demandis of þat womane þe thing quhilk þow nor nane of thy opinioune allowis nor kepis!' And eftir gentill admonitioun made be (to) him be þe ſaid Jhone, he ſaid to him alſwa þir wordis, 'Thou arte ane verray knaif, and þi doctrin is verray falſe, as all ȝour doctrin and teiching is!' And þairwith lade his hand vpone his wapnes, and provokand battell; doand þairthrow, purpoiſſie, þat wes in him to haif reſit Tumult amangis þe Inhabitantis of þis burgh. ITEM, þe ſaid Maiſter Willeam is CONVICT for breking of þe ſaid Proclamatione, inſafar as he, vpone þe tent day of December, in preſens of ane grite multitude and nowmer of pepill within þe Tolbuyth of Edinburghe, herand ſum Gentilmen ſpekand of þe Lordis Supper was þan to be miniſtrat þe Sonday nixt eftir, in þe ſaid Kirk, ſaid þir wordis, 'Is þat ȝour Communioun? The Devill birſt me quhen euir it cumis in my belly! And þe Devill birſt þame in quhais belly it cumis, ffor it is ane verray Devill!' ITEM, þe ſaid Mr Willeam wes CONVICT be þe ſaid Aſſyiſe of (being) ane Commoun and manifeſt blaſphemer

[1] This extreme zeal may have originated from the notoriety of the Public Disputation between JOHN WILLOX, the Reformer, and JOHN BLACK, a Dominican Friar, which had been keenly maintained for two days, in summer 1561. *Balf. Annales*, I, 325; *Leslie*, p. 295; *M'Crie's* KNOX, &c. [2] With twisted or distorted countenance, *i. e.* in derision, twisting his features, or making wry faces.

of God and his Haly Evangell; and for ane seditious persone and ane commoun auctour[1] þairof.[2]

PROTESTATION *by an Assisor exempted from passing on Assises.*

THE quhilk day, the said *Maister James Watsoune*, burgess of Edinburghe, being callit to pas vpone þe ASSISE of þe said Mr Willeam Balfour, compeirit in jugement befor þe said Justice, and allegit þat he suld nocht be compellit to pas vpone þe said Assise, be resoune he wes ane persoune priuilegit and exemit: And þairfore protestit þat albeit þe Justice compellit him at þis tyme to pass vpone þe said Mr Williames Assise, that þe samin suld nocht hurt nor preiuge him anent his priuilege and exemptioune, towart þe passing vpone þe Assisis of vþeris personis to be callit and persewit criminalie befor þe Justice, in tyme cuming.

Privilege of Exemption from passing upon Assises and Inquests granted to the Inhabitants of Perth.

Feb. 17, 1561-2.—THE quhilk day James Andersone, burgess of Perth, comperit befoir þe Justice-depute, and þair producit our souerane ladeis Letteris vndirwrittin, vnder hir signet, and subscriuit be vmq[le] her derrest moder, þe Quene Dowriar and Regent of hir realme, and vmq[le] Gilbert Erle of Cassillis hir Thesaurare for þe tyme; and for him selff and in name and behalff of þe Provest, Bailleis, counsale, and communitie of þE BURGH OF PERTHE, and desyrit þe samyn to be obeyit: Quhilk desyir þe said Justice-depute thocht resonabill, and þairfoir admittit and obeyit þe samyn; off þe quhilkis Letteris þe tennour followis.

MARIE, be þe grace of God Quene of Scottis. To all and sindrie our Lieutennentis, Wardanis, Admirallis, Justices, Justice Clerkis, Schereffis, Stewartis, Bailleis, Crowneris, þair deputis, Provest, Aldermenne, and Bailleis of our burrowis and cieteis, and all vþeris our Officiaris, Jugis, Ministeris of our lawis, liegis and subdittis quhatsumeuir, to quhais knawlege þir present Letteris sall cum, greting: Forsamekill as it is vnderstand to ws þat our BURGH OF PERTH is ane dry Toune, far distant fra þe See or to ony vþer parte þairof, and þe haill traiffick and change standis be Craftismen þat daylie and continewalie labouris with þair bodeis, quha hes na vþer to leif on: And þat in þis trublus tyme bypast þe Inhabitantis þairof hes bene put to grite and exhorbitent expenssis, be summunding and compelling of þame, at all tymes, to cum furth of our said burgh, quhen þai ar chargit, and compeir befoir our Justice, his deputis, and vþeris, jugis and Ministeris of our lawis of our realme, in passing vpoun Assyisis, Inquestis, and vþerwyis; throw þe quhilk þai ar put to povertie, and may not indure sic chargis in tyme cuming. For eschewing of þe quhilkis, and willand þat þai be vsit in semblabill maner in tyme cuming as þe Inhabitantis of our BURGH OF DUNDE, quha ar of grit pvssance,[3] situat in mair commodius parte nor[4] our said Burgh of Perth, hes Exemit and be þir our Letteris Exemis all and sindrie þE INHABITANTIS within our said Burgh of Perth and fredome þairof, in all tyme cuming, fra all comperance befoir 3ow our said Justice, Justice Clerkis, Scheriffis, Stewartis, Bailleis, Crvneris,[5] Provestis, Aldermen and Bailleis of our Burrowis, or ony vþer Jugis within our realme, and passing vpone Assyisis and Inqueistis in quhatsumeuir actiounis and caussis, Criminale or Ciuile, committit be quhatsumeuir persone or persones within our said realme; acceptand[6] alwayis, gyff þe saidis crymes be committit within our said burgh of Perth, or ane myill þairabout alanerlie:[7] And will and grantes þat þe saidis Inhabitantis nor

[1] Author. [2] The following marking is made on the margin, 'EXTRACT and sent to THE REGENT, in Maij 1569.' [3] Fr. *puissance;* power, wealth. [4] Than. [5] Crowners, Coroners. [6] Excepting. [7] Only.

nane of þaim, for þair remayning and byding at hame fra þe faidis Assyiſis and Inqueiſtis ſall incur na danger nor ſkaith in þair perſones, landis or gudis, in ony wyis, and ſall not be callit nor accuſit þairfoir, noþer criminalie nor ciuilie in tyme cuming, notwithſtanding ony Letters, Proclamationis or chargis quhatſumeuir maid or to be maid in þe contrair, in ony perſones contenit þairintill; anent þe quhilk we diſpens with þame and ilk ane of þaim be þir our Letteris; diſchargeing ȝou and ilkane of ȝow, and all vþeris our Officiaris, Jugis, miniſteris of our Lawis, liegis, and ſubjectis quhatſumeuir preſent and to cum off all ſummunding, chargeing, atteitſcheing, arreiſtyng, calling, following, poinding, diſtrenzeing, vnlawing, trubling, or intrometting with þe faidis Inhabitantis, or ony of þaim, þair landis or guidis, in all tyme cuming; diſchargeing ȝou and ilkane of ȝow vþerwyis þarof, and of ȝour office in þat parte, be þir oure Letteris. GEVIN vndir our Signet, and ſubſcriuit be our derreſt moder, Marie Quene-Drowriar and Regent of our realme, At Edinburt þe nynt day of Junij, the ȝeir of God Im Vc. lvj ȝeiris, and of our regne þe xiiij ȝeiris. MARIE R. GILBERTUS THES.[1]

The Laird of Gradane admitted to Free Ward, &c.

ANE COPY *of ane* LETTIR *concernyng þe Lard of Gradane.*

REGINA,

WE vnderſtanding þat ANDRE KER OF GRADANE, now being in Ward within our burgh of Edinburt, in þe quhilk he enterit himſelf, at our command, for keping of gude rewll; aud feing his obedience, and gude mynd he beris to continew þairin, and willing to do ws feruice as he ſalbe requirit: THAIRFOIR, and vþeris cauſſis and motiounis moving ws, We will, grant, and conſentis, be þir preſentis, þat his Ward be trauſportit furth of our ſaid burt to þe Abbay of Newbottill, or ony vþer parte four myill about our burgh of Edinburt, and þair to remane at fré Ward, ſiclyik as he is oblift to do within Edinburt: And will and grantis þat he nor his ſouerteis found be him for his remanying within our ſaid burt of Edinburt ſall not be ſummond, callit, nor accuſit for his departing furth of þe ſamyn, or breking of his Ward þairthrow, notwithſtanding ony Actis or ſtatutis of ouris maid in þe contrair, anent þe quhilkis we diſpens be þir preſentis; provyding alwayis, þat his ſouerties fund of beſoir for keping of his ward within our ſaid burt of Edinburt, remane bund þat he ſall not eſchew nor departe furth of þe ſaid Abbay of Newbottill, or boundis above expremit, vnder þe panis ſpecifeit in þe former Actis and bandis þairupoune. SUBSCRIUIT with our hand, and under our Signet, At Lynlythqw, þe xxvj day of Januar, and of our regne þe xx ȝeir. MARIE R.

Treasonable Slaughter and Murder — Poisoning, &c.

[IN *Inſula vocat.* HALIE-BLUDE ILL, (*Aiſle*)[2] *loco pretorii de Edr coram Archibaldo Neper de Merchinſtone, Juſticiario deputato.*]

Mar 16.—MR ADAME COLQUHOUNE, Convicted of art and part of the treaſonable Slaughter and Murder of umqle Robert Rankin, houſehold ſervant to Patrick Hamiltoun in Bogſyid, by Poiſon and Intoxication[3] thereof: And alſo, of the treaſonable Intoxication of the ſaid Patrick, his ſtep-father, and Jonet, alias Jeane Boyde, his mother, endeavouring and intending to ſlay them by that ſecret method of Poiſon or Intoxication, adminiſtered by him to them in their

[1] Gilbert, *fourth* Earl of Cassillis, Lord High Treasurer of Scotland. [2] The Court continued to sit in the Kirk of St Giles for a considerable period, probably until the building of the new Tolbooth was finished. [3] Intoxicationem ejusdem. The same remarkable phraseology was used in the Case of LADY GLAMMIS and others of this and the preceding reigns.

dwelling-place of Bogſyid, in the mouth of January laſt.—SENTENCE. To be taken to the Gallows at the Caſtle-hill of Edinburgh, and HANGED thereon until he be dead; and immediately thereafter his body to be BURNT to aſhes: And all his goods, moveable and immoveable, lands, heritages, annualrents, tacks, office, places, bonds and poſſeſſions whatſoever, pertaining or which might pertain to him, to be Eſcheated to the Queen.

PRELOCUTOURIS for þe pannale, Alane Cathcarte; The Larde of Caprintone, ȝounger.

ASSISE.

Robert Boyd of Portincorſe,
William Cunynghame of Cunynghameheid,
Jhone More of Rowallane,
Stevin Trane, burges of Irwin,
Jhone Crawfurd of Crawfurdland,
James Hammiltone of Wodſyid,
James Aſſinloſs of þat Ilk,
Robert Cunynghame of Auchinharvy,
Hew Wallace of Maryfurd,
Hew Montgomery of Heſſilheid,
Jhone Fairlye of þat Ilk,
Patrik Montgomerye of Giffine,
William Cunynghame of Hackett.[1]

Baptising and Marrying, in 'the fashion of the Papistry.'

Mar. 17.—SIR JAMES ARTHURE came 'in Will, for arte and parte of þe breking of þe Quenis grace Act and ordinance, made in hir laſt Parliament, eftir hir grace arryving within þis hir grace realme, be þe awyiſe of þe Lordis of hir hienes Counſall: And for Baptiſſing of þe faſſion of þe Papiſtry Jhone Milleris barne, in Baquhatſtane, callit Andro Miller; witneſſis to þe ſaid barne wer Andro Ruſſale in Falkirk parochine, Alexander Arthure in Slamanane parochine, and Mege Arthure, in Sanct Ninianis parochine, in þe moneth of November laſt: AND for Baptiſſing of ane barne, callit William Lichbody, ſone to Dauid L. in the ſame maner; witneſſes, Willeam Salmond in Baquhatſtane, Robert Ker in Glentoir, and Jonet Weddell, in the ſame moneth: And for baptiſſing ane barne, callit William Boid, ſone to Robert Boid in Weſtir Blairlin; witneſſis, Willeam Boid in þe Monkland parochine, Jhone Ker þair, Aleſone Ker þair, in þe moneth of Februar laſtbypaſt. ITEM, in Will for þe Baptiſſing of other thre barnes quhais names, faderis, nor witneſſis he remembers nocht. ITEM, in Will for þe Mariing of Jhone Thomeſone in þe Monkland parochine, in þe alde and abhominabill Papiſt maner, with Margaret Quhitlaw, in þe parochine of þe Schottis, the ſaid Jhone hyvand maid ane band and promiſs to ane vþer woman, and þe ſaid Margaret had maid ane promiſe to ane vþer man, and bayth the ſaidis perſones levand þair awin parochines for þe cauſis foirſaid, and mariit be þe ſaid Sir James, in maner foirfaid, þai not beand proclamit thryiſe in þe Kirk, as aucht and ſould haue bene done, in þe moneth of November laſtbypaſt.[2]

[1] By markings on the margin it appears that the whole of the Assise, with the exception of the two last, 'fylit' the pannel, who must have been a person of considerable rank, in Ayrshire. [2] The following notice is inserted on the margin:—'EXTRACT and send to þE REGENT, in May, 1569.'

Forcible Abduction — Alleged Rape and Ravishing.

Apr. 20, 1562.[1]—Willeame Kincaid, Jhone *alias Gyrie* Kincaid, Jhone Stewart of Cragyhall, Gelis Seitoun Lady Cragyhall, his ſpouſe, James Kincaid at þe Weſt Port,[2] Andro Mowbray, and Jonet Lyntoune, his ſpous, and Jhone Inglis, taverner.—The Provest of Edinburgh comperit, and producit þe Letteris, and deſyrit þe ſouirté to be relevit; and als proteſtit, þat juſtice mycht be done vpone Willeame Kincaid and his complices for þe allegit Reviſing of Jonet Aldioye; in reſpect, gyff ony ſic Reviſſing wes maid, it wes done to þe ſkayth and ſklander of þe Toune; and refuſit alwayis[3] to be perſewar.

Comperit *Jonet Aldioy*, and Mr Alexander Mauchane, for him ſelff, and in þe name and behalf of þe remanent of þe kinne and freindis, and declarit, forſamekle as our ſouerane ladeis Letteris wes reſit at the inſtance of þe Aduocat, for certane allegit crymes of Deforcing (and) of Revecing of Jonet Aldioye, declarit, þat þair wes na cryme committit be William Kincaid and his complices, bot þat ſcho paſt furth of þis burghe of hir awin fré will, to contract mariage with þe ſaid Willeam; quhilk is ellis[4] contractit and compleitit, conforme to hir promeiſe maid lang of befoir: And þairfoir, wald not perſew þe ſaidis Letteris in ony maner of way. The Advocattis oft tymes callit, and not compeirand, the Juſtice-Deputtis take inſtrumentis þat þair comperit na manne to perſew.

This Case was nevertheless continued to the next Aire of Edinburgh, the sureties being, My Lord Sempill, Thomas Levingstoun of Hanyng, the Laird of Towche, George Home in Restoune, John Levingstoune of Prestoune, and the Laird of Innerleyth.

Hurting a pregnant Woman — Child-Murder.

Apr. 23.—Helene Bruce, and John Wilſoun, her ſon, found caution to underly the law at the next Aire of Edinburgh, for the 'crewell Hurting of Jonet M^c^Nech, and dinging of her be þe hair, and poſſing of hir with their feitt; quhairthrow ſcho pairtit with barne.'

Abiding from the Raid of Jedburghe.

Apr. 30.—Thomas Paterſone of Caverhill, indicted to 'vnderly þe law for þe remanyng and byding of þe ſaid Thomas contempnandlie[5] fra our ſouerane ladeis Hoiſt and Raid, ordanit to meit hir derreſt couſing and brother, James Lord Stewarte,[6] þe xiij day of November laſt bypaſt, and fra thine[7] to pas fordward with him to the burghe of Jedburghe, þair to remane be þe ſpace of xx^ty^ dayis, and to reſave ſic directioune as ſalbe gevin to him, for quietnes

[1] Continued from Apr. 15. [2] Thomas Kincaid was proven to have been furth of the realm at the time of executing the Letters, viz. March 21. [3] Nevertheless; at all events. [4] Already. [5] Contemptuously. [6] Afterwards Earl of Murray and Regent. [7] Thence.

of þe cuntré; incontrar þe tennour of þe proclamatioun maid þairupoune. Compeirit James Paterſone, ȝounger of Cauerhill,[1] and producit ane writting in forme of Teſtimoniale, quhilk he allegit to be written and ſubſcriuit be Jhone Allane, allegit Curat[2] and Miniſter of þe parochine of Menner, for þe tyme; notefeand, þat þe ſaid Thomas Paterſone of Cauerhill labouris in ane hevy and continewell ſicknes, inſtantlie, lyik as he has done ſen þe moneth of December laſtbypaſt, ſwa þat he may not ryiſe furth of his bed without ane ſtaff and help of his ſeruandis, &c.—Denounced rebel, and his ſon amerciated 100 l. for his non-appearance.

Abiding from the Raid of Jedburghe.

Apr. 30.—WILLIAME BURNET OF BARNIS denounced rebel for the ſame offence, and William Portwiſe of Halkſchaw, his cautioner, amerciated in 100 l. for his non-appearance. A Teſtimonial from the ſame 'alegit Curat and Miniſter,' as in the preceding caſe, was diſregarded, though preſented by William B., younger of Barnis, his ſon, ſtating his father to have been 'of þe aige of thre ſcoir ane ȝeiris, labouris in any hevy and continewall ſeiknes of þe poplicie,[3] lyik as hes done be þe ſpace of four ȝeiris laſtbypaſt; quhairthrow he is not abill to travell to his parroche Kirk to heir þe Devyne ſeruice.'

Abiding from the Raid of Jedburghe.

GEORGE RAMESAY OF DALHOUSSY being callit for þe ſaid cryme, gaif in þis allegeance following: þat at þe tyme of þe Conventioun and Raid appointed to be at Jedburghe, tyme libellit, and haill ſpace þairof, þe ſaid George wes vnabill, vexit with ſic diſtreſſis in his perſone, þat he mycht nocht onnawyis travell, noþer on horſe nor fute to na ſpace; be reſone his haill left ſyid wes ſua occupiit and trublit with evill and maling[4] humouris, ſic as he canne nocht declair nor ſpecify, þat his haill arme, fingeris, and leg, on þat ſyid, wer impotent, quhairthrocht þat he mycht not move þe ſame; and ſpeciallie, þe ſaid arme wes ſa dolorus one to him, þat he mycht gett na reſt þairof be nycht nor be day; and þairthrow and be vexatioun þairof wes drevin in ane fevir, and become verray ſeik, and mair vnabill in his perſone, and þairfoir wes not aſtrickit,[5] being impotent, as ſaid is, to cum to þe ſaid Raid, or biddin þairat, ſen na man is bund to impoſſibilitie. And tuiching þE QUENIS grace chargis, he, willing to obey þe ſamyn at þe vttermoiſt of his power, ſend his ſeruandis and houſſald, ſic as wald and ſuld haue gane with him, gyff he had paſt þair perſonalie,

[1] Cautioner for his entry. [2] Perhaps a Papiſt, or one not recognised by the Ordinary; or the Testimonial may have been informal, not regularly witnessed, &c. [3] It does not seem very clear whether *palsy* or *sciatica* is here meant to be indicated. [4] Malign. [5] Astricted, bound.

weill provydit and furneift, as apertenit to þe caus, in cumpanye with William Ramefay of Polting, his coufing, to avait vpon MY LORD JAMES, now ERLE OF MAR, Lieutenment for þe time of þe Proclamatioun libellit,' &c. THE JUSTICE hes continewit þe geving of the Interlocutour vnto þe xij day of May nixt to cum.—Sureties for his entry, William Ramfay of Poltoune, and Cuthbert R., burgefs of Edinburgh.

(May 12.)—George Ramefay of Dalhouffy diffafentit to þe continavatioun, and offerit him ready to vnderly þe law, inftantlie; and nochtwithftanding, at þe command of THE QUENIS grace and þe faid Juftice Depute, fand fouirte (to enter again on May 14.)[1]

The following document is recorded at the end of a subsequent volume of the Record; and from the Cafe being afterwards referred to as a precedent, it would appear that the Licence had then been fully admitted. It has been thought of sufficient importance to be printed, to show the reader the form of such writs.

LICENCE *to the Laird of Dalhouffye to abide from Raids, &c.*

REGINA,

WE, vnderftanding þat our weilbelouit feruitour GEORGE RAMSAY OF DALHOUSSYE is corpolent, fubiect to feiknes and infirmitie, and may nocht weill indure trawell without danger of his lyfe; thairfor, and for diuerfe vþer reafounabill cauffis and confiderationis moving ws, be þe tennour hereof grantis and gevis LICENCE to þe faid George to remane and byde at hame fra all and findry our Hoftis, Raidis, Weiris, and Affembleis quhatfumeuer, diuifit or to be diuifit within our realme, or outwith the famyn. And als, hes Exemit, and be þir our Letteris Exemis him fra all comperance and paffing vpoune Affyiffis, Inqueiftis, or bering of Witnefling, in all actionis criminall, befoir quhatfumeuir Juge or Jugeis within our realme, for all þe dayis of þe faid Georgis lyftyme; and will and grantis þat the faid George þairfor fall incur na danger nor fkaith in his perfoune, landis, nor gudis, nor falbe callit for þe famyn, criminalie nor ciuilie, nochtwithftanding quhatfumeuir actis, ftatutis, lawis, proclamationis, or chargeis quhatfumeuir, in generall or in fpeciale, maid or to be maid in þe contrair heirof, or ony panis contenit thairintill; anent the quhilkis We difpenfe be þir prefentis. Difchargeing heirfor all and findry our Juftice, Juftice-Clerk, Wardanis, Lieutennentis, Scheriffis, Stewartis, Baillies, Crownaris, Proueftis, Bailleis and Eldermenne of Burrowis, and all vtheris Jugeis and minifteris of our lawis, prefent and to cum, thair deputtis, off all atteicheing, arreifting, fummonding, calling, following, vnlawing, or proceding aganis þe faid George Ramfay, his perfoune, landis, or gudis, in ony wayis for þe premiffis, and of þair offices on þat pairte for euir, be þir prefentis. Prowyding alwyife, that the faid George Ramfay of Dalhouffye furneife and fend his honorabill houfhald, with ane of his fpeciale freindis, weill fourneift, conforme to þe Proclamationis to be maid þairupoune. SUBSCRIUIT with our hand, and vnder ourSignet, AT ED^R, þe xiiij day of Januar, the 3eir of God I^m.V^c.lxiij 3eiris.

(MARIE, R.)

Abiding from the Raid of Jedburghe.

WILLIAM CUNYNGHAME OF CUNYNGHAMHEID charged for the fame crime, and his fon, 'the 3oung Lard,' amerciated for his non-entry to underly the law.

[1] Owing to the imperfection of the scroll-book, it does not appear what sentence followed; but from the following LICENCE being recorded, &c. it is probable that he was fully acquitted.

Abiding from the Raid of Jedburghe.

ROBERT HUNTER OF POLMUDE, Leonard Dowglas of Harwod, John Douglas (in Baddis) his ſon, John Gudelaitt of Strabrok, William Portwiſe of Halkſchaw, and ſix others, acquitted by an Aſſiſe for the ſaid crime.

ASSISA.

Alexander Horſburghe of þat Ilk, Jhone Cokburne of þe Glenne, Mr Robert Wynrame in Gogar, Jhone Stewart in Cragyhall, George Dundas of þat Ilk, Alexander Creichtone of Newhall, William Murray of Romannos, George Tait of Pyrne, Ja. Wynrame in Gogar-milne, Dionefe Elphinſton of Henderſtone, Alex. Woidlaw[1] of Kilbabertone, Robert Fairlie of Braid, Jhone Pennycuke of þat Ilk, Jhone Houſtoune in Lany, William Vaiche of Kingſyid, James Feddes in Preiſtisfeild, Robert Scott, burges of Peblis.

THOMAS HAMMILTOUNE of the Grange, beſide Levingſtoun, Thomas Sandelandis in Murehouſdykis, and five others, found the Laird of Calder ſurety for their entry on May 12, 'to vnderly deliuerance of þe ſaid Aſſyiſe. ITEM, þe anſueris of þe parteis þat cum in Will, and vþeris of þe ſaid pannell, written in ane throuch,[2] in paper.—(May 12.)—James Stevinſtoun of Hirdmanſcheillis became ſurety for their entry on Jun. 15 next.[3]

Convocation — Feud with the Laird of Balthayok.

May 2.—JOHN CHARTERIS OF KINFAWNIS, David his brother, and thirty-nine others, found ſurety to underly the law, on May 15, 'for arte and parte of þe Convocatioun of our ſouerane ladeis legis, to þe nowmer of xxiiij perſonis, and cuming vpon þe Lard of Batheok (Thomas Blair) and his complices, and geving of þame iniurius wordis; and dinerſe vþeris crymes ſpecifeit in þe Letteris.' He proteſted, 'þat þe finding of þe ſouerté to þe day foirſaid be na preindice to him, becaus he is ane Parroche-Clerk;[4] and ſiclyik proteſtit, þat þe finding of þe ſouertie for þe ſaidis perſones preiuge not þe privilege of þe Regalitie of Scone, within þe quhilk þai dwell; bot þat þai may be replegit þe day foirſaid as þis day.'

Feud with the Laird of Kinfawnis — Slaughter.

THOMAS BLAIR OF BATHEOK; Alexander Blair, apperand of that Ilk; William, Patrick, and John B., ſons to the ſaid Thomas; Alexander Blair, Tutour of Balmyill; Thomas, ſon to Alexander Blair, younger of Batheok; William Kymmond of Hill, Thomas Friſell of Kynnell, Williame Haldene of Kelour, John Moncur of Chapeltoun, James Monorgane, apperand of that Ilk, and forty-one others, found Gilbert Monorgan of that Ilk, and John Kynnard of Inchefture, ſureties for thair entry on May 15, 'to vnderly þe law for þe crewell

[1] Wardlaw? [2] A leaf or broadside of half a sheet. [3] No farther traces of this and the following Cases occur, owing to the loss of an intervening scroll-book. [4] And therefore, as a Churchman, was alone liable to the jurisdiction of the Church Courts.

Slauchter of vmq^le Alexander Raa, burges of Perthe, and diuerſe vþeris crymes contenit in þe Letteris.'

Hamesucken—'vnmercyfull' Slaughter.

May 6.—WILLIAM FERGUSONE and William Wrycht, both in Reſtalrig, were convicted by an Aſſiſe 'of arte and parte of þe crewell and vnmercyfull Slauchter of vmq^le Jhone Borthwik in Reſtalrig, at þe bak of his awin ȝard þair, be way of Hameſucken, vpone ald ffeid, ſett purpois, proviſione, and foirthoicht fellonye, vpone þe xx day of Apryill laſtbypaſt.'

PRELOCUTOURIS for þe pannall, The Larde of Largo, elder; Mr Alex. Syme.
PERSEWARIS, My Lord Borthwick, The Lard of Trabrone, Mr Dauid Borthuik of Adeſtoune, The Lard of Hirdmeſtone, George Newtone.

SENTENCE. That thay 'ſalbe had to þe Caſtell-hill of Ed^r, and þair þair HEIDIS ſtrikine fra þair bodeis WITH ANE SWORD:[1] And þat all þair gudis movable ſall pertene and be inbrocht to our ſouerane lady, as hir eſcheatt.

Slaughter.

May 9.—JOHN SIBBETT (SIBBALD)[2] delaited for art and part of the cruel Slauchter of Archibald Ballingall in Bunȝeoune, in September 1560, between Balquhard and Bunȝeoune, in the ſhire of Fife, beſetting his way; committed on forethought felony.

PERSEWARIS, William Ballingall of that Ilk and David, brothers of vmq^le Archibald.

PRELOCUTOURIS for þe perſewaris,
Mr William Scott, Mr Jhone Pitcarne,
Walter Heriot of Ramornye.

PRELOCUTOURIS for þe pannale,
The Lard of Balgony, The Lard of Lundy, y^r,
Mr Dauid M^cgill, Mr Alex. Mauchane.

The quhilk day bayth þe ſaidis parteis deſyrit our ſouerane ladeis Writting to be inſert in þe Bukis of Adiornall, and deſyret þe autentik copy þairof.

REGINA,

JUSTICE CLERK and ȝour deputtis, We greitt ȝou weill. Forſamekill as þe nynt day of Maii nixt to cum is aſſignit to our louitt Jhone Sibbett, to vndirly our lawis in þe Tolbuyth of our burgh of Ed^r, for arte and parte of þe Slauchter of vmq^le Archibald Ballingall, bruþer germane to Williame Ballingall of þat Ilk; and for ſummunding of ane Aſſyiſe agane þe ſaid day, our vþeris Letteris ar direct to þat effect. AND ſeing þe ſaid Jhone penitent, of will and mynd to mak ſatisfactioune to þe kin and freindis of þe ſaid vmq^le Archibald, according to his puſſance and habilitie. THAIRFOIR it is our will, and We deſire ȝow to reſaue þe ſaid Jhone in will at þe ſaid day, and to latt him to libertie and fredome, as our free liege man, to þe effect þat he may labour for him ſelff, and aggré with his partye.[3] And failȝé not heirin, as ȝe will anſuer to ws þairupone; kepand þir preſentis for ȝour Warrand. SUBSCRIUIT with our hand, At Sanctandrois, þe xiij day of Apryill, 1562. [MARIE R.]

Mr William Scott of Balwery 'exponit, in name and behalff of þe ſaidis

[1] This is the first instance where the Editor has, in the earlier Records of this Court, met with the mention of a sword having been employed by the public executioner, by order of the Justiciar, for decapitation. It is by no means improbable that death had been inflicted on the murdered man by that instrument, and that the Judge, to make the punishment still more striking, had judicially ordered the self-same weapon to be used for their decapitation. [2] The name was at this period indiscriminately spelt *Sibbett* and *Sibbald*. [3] This case savours strongly of bribery of the Crown Officers.

perſewaris, þat William Ballingall of þat Ilk, Aleſone Gowray, his moder, Dauid B., brouþer of vmq^le Archibald B., nerreſt kin and freindis of þe ſaid vmq^le Archibald, wer informit þat þe ſaid Jhone Sibbett had impetrat ane writting of þE QUENIS grace, producit be him, ordaning þe Juſtice, Juſtice Clerk, and his deputis, to reſave þe ſaid Jhone in hir grace will, vpone ſiniſter informatioun; and that becaus, as he allegit, þe ſaid Jhone, be him ſelff, his kin and freindis, had ſocht to haif ſatisfeit þe pairtye for þe ſaid ſlauchter, at þe vttermoſt of þair power, and þai on nawyis will accept þe ſamyn; albeit þe ſaid William and freindis wes ay reddy, lyik as þai ar ȝit prowin preſentlie to haue haid commonyng and acceptit gud wyis, at þe ſicht of freindis, for þe ſaid Slauchter; thairfoir proteſtis for remeid of law aganis þe ſaid Writting, as impetrat vpone fals narratioun.—To þe quhilk anſuerit Mr Dauid M^cgill, as prelocutour for þe ſaid Jhone Sibbett, þat nochtwithſtanding ony Writting þat he had impetrat be our ſouerane (lady), he acceptis þe offir of þe partye, and is content at þe ſycht of freindis, to do þe vttermoiſt of his power for Aſſythment[1] of pairtye.—Allegis Jhone Sibbett, þat nochtwithſtanding his innocence of þe ald ffeid[2] contenit in his accuſatioun, hoipand ſurelie þE QUENIS grace to try his innocence þairof, he *ſimpliciter* cumis in will for þe Slauchter committit vpone ald ffeid and foirthocht felony; and vnder proteſtation for ciuile defenſlis aganis þe pairtye.'

He was accordingly received in Will, and found Robert Lundy of Balgony, Mr William Lundy, fiar of that Ilk, and Dauid Sibbett of Lethome, to ſatisfy the parties.

Murder of the Laird of Frude.

May 11.—PATRIK HUNTER, John Hunter, Burgeſs of Edinburgh, John Burn, in Over Poſſo, George Paterſone, in Hairſtane, and William Glen, ſervant to the Laird (of Furde), were Acquitted of art and part of the cruel 'Murther and Slauchter of vmq^le James Twedy of Frude, in þe houſe of William Tuedy, burgeſs of Edinburghe, in þe moneth of December laſt by paſt; committit vpoune ald ffeid,' &c.

PRELOCUTOURIS for þe pannale, Mr Jhone Moſcrop, The Lard of Carmichaell, The Lard of Cultermanis, My Lord Sempill, Jhone Haye.

PERSEWARIS, James Twedy of Frude, Wm Twedy, The Laird of Tracquhair, The Lard of Coilſtoune.

MR CHARLES GEDDESE, Robert Fockhert, and William Blaklaw, were denounced rebels and put to the horne, and Sir John Maxwell of Terriglis, kn^t, their ſurety, was amerciated for their non-appearance to underly the law for the ſame crime, which is ſtated to have been committed within James Twedy's chamber or hall, within the burgh of Edinburgh, the Laird being ſeated at the time in a chair before the fire, ſleeping; and that his Murderers attacked him

[1] A composition made with the kin of a slaughtered person as a *solatium* for the loss of the life of their deceased relation. [2] Old feud.

in that defenceleſs ſtate, and mortally wounded him before he could raiſe himſelf up, or parry their blows.

Taking Theft-boot — Allowing a Thief to escape.

May 13.—Alexander Maxwell of Teling found Sir William Bruce of Erliſhall, kn^t, ſurety for his entry on Jun. 28, to underly the law 'for taking of Thift-bute and Compoſitioune fra Andro Cuſnye, ane Theif; and latting of him to libertie.'

[The Scroll Court-book, from May 13, 1562, to May 17, 1563, has been lost. The succeeding Volume, which is a small quarto, is marked 'Aucht Buik,' and extends from May 17, 1563, to May 17, 1564.]

Celebrating the Mass—Attempting to restore Popery at Kirk-Oswald, Maybole, Paisley, &c.—Convocation, &c.

May 19, 1563.—John Archiebischop of Sanctandrois,[1] and forty-ſeven others, charged for the crimes after ſpecified, viz.—

Roll *or List of the rest of the persons on pannel.*

Maiſter Jhone M^cquhyne, elder,
Maiſter Andro Dauidſone,
Dene Willeam Lepar,
Freir James Jhoneſtone,
Alexander Somervell,
Maiſter Jhone M^cquhene, ȝounger,
Schir Jhone Hammiltone, Vicar of Paſlay,
Schir Jhone Craig,
Schir Jhone Home,
Schir Jhone Elder,
Schir Jhone Vere,
Schir Jhone Broune,
Schir Jhone Dunlop,
Dene Dauid Brenche,[2]
Schir Thomas Robeſone,
Schir Jhone Lytil,
Schir William Harbertſone,
Schir Robert Hill,
Schir Jhone Coluile, Vicar of Cathcart,
Maiſter Mathow Flemyng,
Schir Dauid Fergufone, Curat of Neilſtone,
Robert Galbrayth of Garſcaddene,
Henry Houſtone,
Sir Andro Burell,
Archibald Mure,
Maiſter Jhone Hammiltone, Sub-chantour of Glaſgow,
Patrik Jakſoun, in Renfrew,
Schir William Winȝett,
Gabriell Maxvell of Stanlie,
Malcum, Prior of Quhithorne,
Hew Kennedy of Blairquhynnequhy,
Maiſter Robert Crychtone, Parſone of Sanchar,
Jhone Gordone of Barſkeocht,
Schir Thomas Montgomery,
Schir William Tailȝefeir,
Schir James Carſane,
Dauid Kennedy, bruȝer to William Kennedy of Brunſtone,
Geo. Kennedy of Barclannochane,
Willeam Hammiltone, Tutour of Cammiſkeyth,
Dauid Boyd,
Jhone Lymburner,
Alexander Wodburne,
Maiſter Alexander Lummiſdane,
Dene Gilbert Kennedy,
Dene Michaell Dewer,
Schir Williame Alleſone,
Schir James Kennedy,
Schir Thomas Mure.

'The Assyise Fylis and conuictis the ſaidis Hew Kennedy of Blair-

[1] John Hamilton, natural son of James, *first* Earl of Arran, well known as the author of a Catechism printed at Saint Andrews, 1552. After the battle of Langside, from which he vainly attempted to dissuade the Queen, he fled to Dumbarton Castle. He afterwards fell into the Regent Moray's hands, on the Castle being surprised and taken, and was hanged, at Stirling, Apr. 1, 1570. [2] He is afterwards called *Brance*.

quhynnye, Malcum, Commendater of Quhithorne, Dauid Kennedy, Sr Thomas Montgomery, and Sr William Tailȝefeir, off þe controuentioune of our fouerane ladeis Act and Proclamatioune, chargeing all hir leigis, þat euery ane of þaim fuld contene þaim felffis in quietnes, keip peax and ciuile societie amangis þame felffis, and þat nane of þame tak vpone hand, priuatlie nor opinlie, to mak ony alteratioun or innouation of þe STAIT OF RELIGIONE,[1] or attempt ony thing aganis þe forme quhilk hir grace fand publictlie and vniuerfallie ftanding at hir arrywell within þis realme: THAT IS TO SAY, þe faid *Hew Kennedy* and *Dauid Kennedy*, be making of Conuocatioun of our fouerane ladeis liegis, to þe nowmer of twa hundreth perfonis, bodin in feir of weir, with jakkis, fperis, gunnis, and vþeris wapnis innafiue, of þair caufing, command, fortefeing, and ratihabitioun, vpone þe aucht, tent, and ellevint dayis of Apryill laftbypaft, cumand to þe PARROCHE KIRK OF KIRKOSUELL and COLLEGE OF MAYBOILL, *refpectiné*, and þair opinlie maid Alteratioun and Innouatioun of þe faid STAIT OF RELIGIONE quhilk our fouerane lady fand proclamit, and uniuerfallie ftanding and profeffit at hir arryvel within þis realme, miniftrand and abufand on þair pretendit maner, irreverentlie and indecentlie, þE SACRAMENTIS OF HALY KIRK, namelie, þe Sacramentis of þe Body and blood of our Lord Jefus Chrift, vþer wyis and eftir ane vþer maner, nor þe publict and generall ordour of þis realme: AND þe faid *Malcum Commendatour of Quhithorne*, *Schir Thomas Montgomery*, and *Schir William Tailȝefeir*, miniftrand and abufand, on þair pretendit maner, irreuerentlie and indecentlie, in þe moneth of Apryill foirfaid, in þE PLACE OF CONGILTOUN, the Sacramentis of Haly Kirk of þe Body and blood of our Lord Jefus, vþerwyis and in ane vþer maner nor þe publict and generall ordour of þis realme, refafit and profeffit at our fouerane ladeis arryvell, contenit in þe faid Proclamatioune: And þat in refpect of þair Confeffioun of þe famyn in jugement.

SENTENCE.—Thairfoir þe faidis Malcum Priour of Quhithorne, Sr Thomas Montgomery, and Sr William Tailȝefeir, were adingit to be put in WARD within þe CASTELL of DUMBARTANE.[2] And þe faidis Hew Kennedy and Dauid Kennedy to be put in Ward within þe CASTELL OF EDINBURGH, thair to remain during þe will and plefour of our fouerane lady.

ASSISA.

Jhone Maxwell of Terriglis, knt.	The Scheriff of Air,	The Lard of Rowallane,
Andro Lord Stewarte of Vchiltry,	The Lard of Cunynghameheid,	Hew Cunynghame of Watterftoun,
The Lard of Lochinvar,	Hew Wallace of Carnell,	James Chalmer of Gaitgirth,
The Lard of Glengarnok,	The Lard of Crawfurdland,	Jhone Dumbar of Michrvme,[3]
The Lard of Caprintoun, ȝounger,	Mr Jo. Fullertone of Dreghorne,	Gawane Dumbar of Baldtone.

[1] See Oct. 1, 1563, &c. [2] 'My Lord Flemyng grantis the resset of the Priour,' &c., 'to be enterit in Ward within the Castell of Dumbertane,' [1] It is believed this was the Laird of Mochrum.

The ſame day, Jhone Archiebischop of Sanctandrois,[1] Maiſter Jhone Mᶜquhyne, elder, Maiſter Andro Dauidſone, Dene Willeam Lepar, Frier James Jhoneſtoun, Alexander Somervell, Mr Jhone Mᶜquhyne, ȝounger, Schir Jhone Hammiltone, Curat of Paſlay, Schir Jhone Craig, Schir Jhone Elder, Schir Jhone Vry, Schir Jhone Broune, Schir Jhone Dunlop, Dene Dauid Brance, become in Will to our ſouerane lady, for Conuocation of hir hienis liegis in þe moneth of Apryill laſtbypaſt, in þe toune of Paslay, Kirk, Kirk-ȝard, and Abbay Place þairof, openlie, publiclie, and plainlie tuke auricular Confeſſioun of þe ſaidis perſonis in þe ſaidis Kirk, Toune, Kirk-ȝaird, Chalmeris, barnis, middingis, and killogeis[2] þairof; and þairthrow makand Alterationn and Innouatioun in þe stait of Religion, quhilk our ſouerane lady ſand publictlie ſtanding and profeſſit at hir Maieſties arryvell within þis realme foirſaid, miniſtrand and abuſand, irreverentlie and indecentlie, þe Sacramentis of Haly Kirk, namlie, þe Sacramentis of þe Body and blood of our Lord Jeſus, vþerwyis and efter ane vþer ordour nor þe publict and generall ordour of þis realme wes þe tyme of þe Quenis Maieſteis arryvel foirſaid.

Interlocutor. And þairfoir, þe ſaidis perſonis ſand ſouirtie þat þai ſuld entir in þe Wardis efter ſpecifiit, þair to remane during our ſouerane ladeis pleſour: That is to ſay, þe ſaid *Archiebiſchop of Sanctandrois*, within þe Castell of Edinburghe; the ſaid *Alexander Somervell*, within þe Toune of Perthe; þe ſaid *Mr Jhone Mᶜquhyne, elder*, within þe Toune of Sanctandrois; the ſaid *Freir James Jhoneſtoun* and *Mr Andro Dauidſoun*, within þe Toune of Edinburghe; þe ſaid *Curat of Paſlay*, within þe Toune of Sanctandrois: And þe remanent perſones foirſaidis, dischargit of our ſouerane ladeis grace, in reſpect þai ſand ſouirtie þai ſuld not in ony tyme cuming controuene þe ſaid Act.

The ſaid *Mr Jhone Mᶜquhene, ȝounger*, become in our ſouerane ladeis Will, for controuenyng of þe ſaid Act and Proclamatioun, in miniſtring of þe Sacrament of þe Lordis ſupper in þe Place and parochin of Rosdew, in þe Place of Paslay, þe tymes foirſaidis *reſpectiné*, efter our ſoueranis arryvell foirſaid.—The ſaid *Thomas* alias *Schir Thomas Robeſone* in Will to our ſouerane lady, for controvenyng of þe act and Proclamatioune in Patrick Jackſonis houſe, in Reinfrew, and in þe Place of Garscaddane, in þe Levenax, þe

[1] In a Caution book, which fortunately has been preserved, the following entry is recorded: 'Apud *Edinburgh, xxvj° Julij, anno, &c. lxiij°*. The quhilk day, *Williame Simpill of Thridparte*, and *Michaell Naſmyth of Poſſo*, became plegis and ſouerteis, coniunctlie and ſeuerallie, for ane maiſt reuerend fader in God, Jhone Archiebischop of Sanct Androis, now being in our ſouerane ladeis Ward within the Castell of Edᵇ, for his becumin in hir Will to hir Juſtice, for his controuenyng of hir Adiornale and Proclamation vnder writtin, as at mair lenth is contenit in þe Actes of Adiornale maid þairupone, That he ſall nocht controuene the Ordinance and Proclamatione maid be hir grace anent þe Religione quhilk hir Maieſtie ſand publiclie and vniuerſalie ſtanding at hir arryvall within þis realme furth of þe partis of France: And on na wyis publiclie nor privatlie mak innouatione or alteratione þairof, or attempt ony thing aganis þe famin, vnder þe pane of Thre Thowſand pundis. (*Sic ſubſcribitur*) William Sympyll of Thridpart, Michaell Nasmyth of Poſſo.'

[2] Kilns for drying grain and malt.

tyme foirſaid, in miniſtring of þe ſaid Sacrament, &c.—The ſaid *Schir Jhone Lytill*, in Will for þe cryme foirſaid, done be him þe moneth aboue writtin, in his awin chalmer, in þE PLACE OF HALKET, and in þe ſaid Patrik Jakſonis hous in RENFREW.—The ſaid *Schir William Harbertſone*, in Will for þe cryme aboue writtin, committed be him þe tyme foirſaid, in þe houſe of James Grahame in GLASGW.—The ſaid *Mr Willeam Wynzett*, in Will for þe forſaid cryme, done be him in þe hous of Dauid Lyndſay in GLASGW, þe tyme aboue writtin; and þairfor in Ward in þE TOUNE OF SANCTANDROIS.—The ſaid *Schir Robert Hill*, in Will for þe cryme foirſaid, done be him in þe houſe of Jhone M'knair in PROVANE, þe tyme foirſaid.—The ſaid *Schir Jhone Colvill*, in Will for þe cryme foirſaid, committed be him þe tyme aboue writtin, within þe parroche Kirk of CATHCART.—The ſaid *Mr Matho Flemyng*, in Will for the ſamyn cryme, committit be him þe tyme and maner foirſaid, within þe toune of RUGLENE.[1]—The ſaid *Schir Dauid Fergufone*, in Will for þe ſamyn cryme, committit be him within þe Parroche Kirk of NEILSTONE, þe foirſaid tyme.—The ſaidis *Robert Galbrayth of Garſcaddene, Henry Houſtoun Schir Andro Burrell, Archibald Mure, Mr Jhone Hammiltoune*, Subchantour of Glaſgw, *Patrik Jackſoun* in Renfrew, *Gabriell Maxwell of Stanelie*, in Will for þe cryme foirſaid; and þairfoir þe ſaid Henry Houſtoun wes put in Ward in þe toune of KINGHORNE, þe ſaid Lard of Stanelie in þe toune of COWPER, þe ſaid Subchantour in SANCTANDROIS, and all þe remant REMITTIT.—The ſaid *Mr Robert Crychtone*, parſone of Sanchar, in Will for þe cryme foirſaid, committit be him in þe Parroche Kirk of SANCHAR, þe tyme foirſaid; and þairfoir in Ward in þe burghe of PERTH.—The ſaidis *Jhone Gordon* of Barſkeocht, and *Schir James Carſane*, in Will for þe ſamyn cryme, committit þe tyme and maner foirſaid, in þE PLACE OF BARSKEOCHT; and þairfoir þe ſaid Jhone in Ward in BRECHIN.—The ſaid *George Kennedy* of Blarquhynnochy, in Will for þe foirſaid cryme, committit in his awin Place, be Dene Adame Maxvell; and REMITTIT be our ſouerane lady.—The ſaid *Willeam Hammiltone*, Tutor of Cammiſkeyth, *Maiſter Mathow Neſbit, Dauid Boyd, Jhone Lymburner, Alexander Wodburne*, in Will for þe ſamyn cryme, committit in maner and tyme foirſaidis, in þe Place of CAMMISKEYTH; and þairfoir þe ſaid Willeam in Ward in MONTROISE.—The ſaid *Schir Alexander Lummiſdail*, in Will for þe ſamyn cryme, and REMITTIT—*Dene Gilbert Kennedy, Dene Michell Dewer, Schir Willeam Alleſone, Schir James Kennedy, Schir Thomas Mure*, REMITTIT of þe ſaidis crymes be our ſouerane lady.

Hurting the Laird of Closeburne — Slaughter.

May 19.—JOHN CARRUTHERIS OF HELMONDIS (Holmaines), George

[1] Rutherglen.

and William his ſons, Edward Irrewine of Bonſchaw, Dauid Irrewine of Robgill,[1] William Bell of Alby, Gavane Jhoneſtone of Periſbehall, Symone his ſon, William Jhoneſtone of Hayhills, and others, their accomplices, delaited of the 'Hurting of the Laird of Cloſeburne (Roger Kirkpatrick), and crewell Slauchter of þe remanent perſones foirſaidis,' viz. vmq^le^ John Kilpatrik in Rig, Edward his brother, John K. in Schelgeir, Peter M^c^kene in Lynkelandis, John Roger in Bartilmeſland, Dauid Anderſon in Coffodole, and Andro M^c^knek in Cloſburnetoune.—Sir James Hammiltone of Bairfurd, kn^t^, amerciated for not 'againbringing' the Letters duly executed, &c.

Slaughter.

May 23.—Patrick Robertsone of Dulcabane, 'delatit of þe Slauchter of vmq^le^ Alex^r^ Reid, tuke him to his Remiſſione, and fand James Campbell of Ardkindlas, with him ſelff, ſouerties, conjunctlie and ſeueralie, for aſſythment of partye, as law will.'

Oppression—Casting down Houses, &c.—Houghing Cattle, &c.

Jun. 3.—Hary Hepburne, and Eighty-ſeven others, 'cietineris of Brechine,' found caution to underly the law at the next Juſtice-aire of Forfar, 'for þe allegit Conuocatioun of our ſouerane ladeis liegis, to þe nomer of iij^c^ perſonis, or þairby, bodin in feir of weir, vpone þe xvj day of Marche laſt bypaſt, command to þe dwelling houſſis of Johne, Hew, and Alexander Downy, tennentis and ſeruandes to Robert Cullese of Bannamvne (Balnamoon), dwell- and within þe barony of þe ſamyn, and ſerchit and ſocht þame for þair Slauchteris, and crewelly ſtrak and dang þame, with rungis[2] and Stalffis, mony blaw[3] and bloody ſtrekis; and þaireſtir keiſt[4] þair houſſis doune, cuttit and diſtroyit þair plewis[5] and harrowis, and ſchamefullie hocht[6] and ſlew þair gudis[7] and ſcheip, to gret quantitie.

Feud between the Citizens of Brechin and Tenants of Balnamoon.

Robert Cullese of Balnamvne, John Smyth, and ſixty-two others, 'tennentis and ſeruandis to þe ſaid Lard,' found John of Erſkine of Dvnne ſurety for their entry at the next Aire of Forfar, to underly the law 'for þe Conuocatioune of our ſouerane ladies liegis, to þe noumer of ane hundreth perſones, or þairby, bodin in feir of weir, vpone þe xvj day of March laſt bypaſt, vnder ſylence of nycht, cumand to þe Burrow-Rudis of þe cietie of Brechine, and ſerchit

[1] Celebrated of late years as the farm of the Poet *Robert Burns*. [2] Bludgeons, cudgells; *rung* generally denotes a huge shapeless stick, such as an undressed branch, &c. [3] *Blae*, discoloured. [4] Cast. [5] Ploughs. [6] *Houghed*, hamstrung. [7] Live-stock; cattle. This species of vindictive malice was but too common in these times of lawless violence. Many similar instances may be found in this Collection; but, unfortunately, they are too numerous to need special reference in this place. The retaliation will be seen in the next Case.

and ſocht certane Inhabitantis þairof for þair Slauchteris, and deſtroyit þe turvis[1] beand vponn the ſaid Muir.'

Forgery? — 'Falsing' an Instrument?

Jun. 26.—'SCHIR CONSTENE MILLER (Notar publict?) his RIGHT HAND wes adiugit to be ſtrikine fra his body, at þe Mercate-croce of EDINBURGHE, vpone ane ſcaffold, at ane ſtowp:[2] And he to be BANIST þis realme perpetualie; and neuir to returne within þe ſamyn agane, vnder þe pane of deid.[3]

Witchcraft.

AGNES MULLIKINE, *alias* BESSIE BOSWELL, in Dunfermeling, wes BANIST and exilit for Wichecraft.[4]

Horse-stealing — Guiding English Thieves, &c.

Jun. 30.—LYELL HALL Convicted by an Aſſiſe 'off arte and parte of þe thiftuous Steling and conceiling fra Alexander Lord Home, furth of his landis of Gordoune, in þe moneth of July, the ȝeir of God I^m V^c lvij ȝeris, of four horſis: ITEM, of þe thiftuus Steling fra Thomas Cranſtone, bruthir ſone to þe Gudemanne of Thirſtane-manis, in þe moneth of Auguſt, þe ȝeir of God forſaid, of ane gray horſe, price xl merkis: ITEM, of Commone Thift, commone Reſſett of Thift, outputting and inbringing betuix cuntré and cuntré, commone gyde to INGLIS Thevis.'—SENTENCE. To be 'HANGIT on þe Borrow-muir of Edinburghe quhill he wer deid.'

ASSISA.

Jhone Home of Coldinknois, kn^t,	Andro Ker of Fawdonſyid,	Harrie Dauidſone of Camis,
Andro Home of Nynewellis,	Jhone Hoppringill of Muirhouſe,	Thomas Hunter of Halkburne,
Ralff Halyburtoun of Muirtoun,	Jhone Home of Carrelſyid,	James Carnecorſe of Allaneſchaw.[5]

'Umbesetting the gaitt' — Hurting and Wounding.

Jul. 6.—PATRICK EVIOT OF BALHOUSSYE, John Roſs of Cragye, James his brother, John Cargill, William Moreſone, and William Roſs, found caution ('My Lord Ruthvene') to underly the law at the next Aire of Perth, for 'arte and parte of þe Vmbeſetting of þe gaitt to Andro Ramſay, burges of Perthe, and Hurting and Wounding of him in diuerſe partis of his body.'

'Umbesetting the gait' in Perth, &c.

ANDRO RAMESAY, burgeſs of Perth, and fourteen others, found caution

[1] *Turfs*, or peats, in the process of drying or *winning*. [2] Block. [3] The nature of his crime is not specified; but, from the measure of his punishment, it is likely to have been the Forgery of a Notarial Instrument or other Writing. See Feb. 5, 1563-4. [4] This is the earliest existing Case, in the Records of the High Court, of this nature; and it is almost the only instance of so mild a sentence having been pronounced. See the *Appendix*. [5] The rest are burgesses of Edinburgh, &c.

(Lord Ruthvene) for their entry at the next Aire of Perth, to underly the law for 'Vmbesetting of the gait to James Rosſ, broþer to þe Lard of Cragy, within þe burgh of Perth, and Invasioun of him for his Slauchter, in þe moneth of Januar lastbypast.'—'Mr Clement Lytill, prelocutour for James Rosſ, and þe rest of his collegis vpoune þe pannell, askit instrumentis, þat Andro Ramesay, burges of Perthe, grantit he wes put to þe horne, and allegit he wes relaxit þairfra, and schew na thing þairupone: And þe said Mr Clement allegit, þat he suld not haif place to persew, quhill he schew þe samyn.'—Interlocutor. The Justice ordanis þe said Andro and þe rest contenit in þe Letteris of Hornyng, quhilkis ar put to þe horne, to remane in Warde quhill þai schaw þair Relaxatioun.

Slaughter.

Jul. 7.—James Wod of Bonyngtoune, William his brother, and Alexander Guthrie, Messenger, found Lord Ruthvene cautioner for their entry at the next Aire of Forfar, to underly the law for 'arte and parte of þe Slauchter of vmq^le^ Mr Hew Guthrie, vnder þe Castell-wall of Brechin, in þe moneth of Februar 1548 ȝeiris; vpone ald ffeid, sett purpoise, provisione, and foirthocht felony. Cristeane Rettray,[1] and William Tyrie, 'now hir spous,' pursuers, 'passis fra þe persute of þe Larde at þis tyme; quhairupone þe Lard tuk instrumentis.'—The said William Wod 'askit instrumentis þat he requirit þe Lard, his bruder, to rede þe speciall Remissione grantit to him and þe said Willeam and vþeris for þe said Slauchter, to þe effect þat he mycht vse þe samyn. The said Lard 'ansuerit þat he had already producit ane Remissione sufficient for þe said Willeam for þe said cryme.'—Mr John Hepburne in Brechin and John Low became sureties along with the said William for Assythment of party.

Convocation — Houghing and slaying Cattle.

Jul. 14.—William Cranstone of that Ilk, James his brother, and George Wodderat, in Lawder, found caution[2] to underly the law at the next Aire of Selkirk, for 'arte and parte of þe cuming to þe steding of Williamishoip, pertenyng to Alexander Hoppringill of Craiglethe, and serchit and socht him for his slauchter; and crewelly hocht[3] and slew thré noltt.[4]

Hamesucken — Houghing and slaying Cattle.

Alexander Hoppringill of Newhall, George his brother, and George his son, found surety[5] to underly the law at the next Aire of Selkirk,

[1] Probably widow of the deceased. [2] The Laird of Hundelie (Rutherford), William Scott of Tuschelaw, and Walter Scott, 'apperand' of Tuschelaw. [3] Hamstrung. [4] Cattle.
[5] John Hoppringill of Tulleknowis (Trinlieknowis?) and George Hoppringill of that Ilk.

for 'Conuocatioune of our ſouerane ladeis liegis, in þe moneth of July 1556 ȝeris, cumand to þe ſteding of Hawtherne, pertening to William Cranſtone of þat Ilk, in heretage, and be way of Hameſuckin, hocht, ſlew, and deſtroyit xl ky.'[1]

Stouth and Reset of Stouth — Resetting Englishmen, &c.

Jul. 20.—WILLIAM SCOTT OF TUSCHELAW and his accomplices, having been accuſed by the QUEEN'S Advocate of 'Stowthe and Reſſett of Stowthe,' Robert Ellot of Bellelie was amerciated for not 'again-bringing' the Letters duly executed and indorſed.—And the Laird of Tuſchelaw was likewiſe amerciated for not again-bringing the Letters, &c. purchaſed by THE QUEEN'S Advocate againſt ROBERT SCOTT OF HORSLEHILL, 'to vnderly þe law for þe Reſetting of Inglifmenne, and Thiftuus Steling of certane Oxin.'

Mutilation.

Jul. 21.—ALEXANDER HOPPRINGILL OF CRAIGLETHE, and George, his ſon, found Alex. H. of Tulleknowis[2] ſurety for their entry at the next Aire of Selkirk, to underly the law for the 'Mutilatione of Jhone Scott of his rycht arme.'

An Heiress finds Caution not to Marry 'ane cheif Tratour, or vther brokkin man of the cuntre.'

Sep. 13, (apud ED^R.)—The following remarkable Bond is recorded in the Caution-book, ('*Liber Plegiacionis*,') which, fortunately, has been preserved. 'THE quhilk day, Thomas Borthik of Pryncado and Michael Borthik of Glengelt become plages and ſouerteis, coniunctlie and ſeueralie, for MARIONE CARUTHERIS, ane of þe twa heretrices OF MOWSWALD, that ſcho ſall not MARIE ane CHEIF TRATOUR nor vþer BROKKIN MAN of þe cuntre, nor joyne hir ſelf vith ony ſic perſone, vnder þe pane of ane Thouſand pundis. IN witneſs heirof þe ſaidis ſouerteis hes ſubſcriuit þis Act with þair handis, day, ȝeir, and place foirſaidis. (*Sic ſubſcribitur*) MYCHELL BORTHUIK of Glengylt. THOMAS BORTHUIK of Pryncado.'

Carrying Pistolets, &c. — Tumult at Holyroodhouse.

Oct. 1.—ANDREW ARMESTRANG and George Rynd, burgeſſes of Edinburgh, found ſurety to underly the law, on Oct. 24 inſtant, for art and part of breaking THE QUEEN'S Acts and Proclamations, in carrying ſundry 'Piſto-

[1] *Kine*, cows. This barbarous act seems to have been in more than tenfold retaliation for the act contained in the former Trial. [2] Afterwards styled 'Trinlingknowis.'

lettis' within the burghs of Edinburgh and Canongate: And for Convocation of the lieges, at the Palace of Holy-Rood, and invading ſundry of the Queen's domeſtic ſervants therein; and for other crimes ſtated in their Dittay.—(Oct. 24.) Continued to Nov. 13. Patrick Cranſtoun was alſo charged to compear the ſame day.

Celebrating the Mass within the Chapel of Holyrood—Raising Tumult for Altering the Religion, &c.

Christian Pynekertoun, the ſpous of James Roger, and twenty-one others, 'delatit for arte and parte of the cuming to þe Chapell of our ſoueran ladeis Palice of Halyrudehouse, vpoun the aucht day of Auguſt, the ȝeir of God aboue writtin, and þair oppinlie making Alteratioune and Innovatioune of the stait of Religioun, quhilk our ſoueran lady fand publictlie and vniuerſalye ſtanding and profeſſit at hir arryving; miniſtrand and abuſand, of þair pretendit maner, irreuerentlie and indecentlye, the Sacrament of þe Body and blude of our Lord Jeſus, vþirwayis and eftir ane vþir maner nor the publict generale ordour of our ſoueran ladeis realme;[1] like as, þai haif violat and tranſgreſſit þe commandement of þe ſaid Proclamatioun, publictlie, daylie, and continewalie, eftir þair inordinat appetyte and pleſour: And ſwa, becumyng commoune manifeſt tranſgreſſouris, violatouris, and brekaris of our ſouerane ladeis Proclamationis, and as ſeditious perſones, raſeris of Tumult and publict Vproir aganis the commoun peax and quietnes of the realme: And ſwa, aucht to be adiugit and pvneſit to the deid with all rigour.'—Continued to Nov. 13. The names of the rest of the pannels may perhaps be considered interesting, though persons moving in the lower ranks of society.

Johne Aldinſtoun,
Harie ȝoung, baxter,
Thomas Clerkſoun,
Dauid Logan, baxter,
William Gilcreiſtoun,
Andro Kennedy, merchand,
William Brocas, ſmyth,
Walter Scot,
Katherine Bryiſe,
Helene Johneſtoun,
Adame Alane, merchand,
Beſſie Hill,
Agnes Aytoun,
Beſſie Tod,
Henrye Ker,
Margaret Galloway,
Jonet Ramſay, þe relict of Hectour Blacater,
Iſſobell Currour,
George Smyth, ſaidlar,
Johne Clerkſoun, baxter,
Johne Paterſoun, kaiſe-maker.

Mr John Moſcrope became ſurety for the entry of *Cuthbert Murray*, 'now being at þe ſaill,[2] befoir þe Juſtice or his deputtis, vpoune xv dayis warnyng eftir his hame-cuming.' *Archibald Treiuche*, *Jonet Chalmer*, his ſpouſe, and *John Broune*, merchant, were denounced rebels, &c. and their cautioners unlawed.[3]

[1] See May 19, 1563. [2] On a sea-voyage. [3] No farther notice of this Case occurs. After Nov. 8, a blank of nineteen pages is left in the book, apparently for the purpose of entering proceedings between that date and Jan. 8 following, which had probably been noted in another Memorandum book, or by another Clerk on loose sheets of paper now lost.

Commendator of Kilwinning freed from Ward.

Oct. 3.—GAWANE COMMENDATOR OF KILWYNNING presentit the Quenis Maiesteis writting, and desyrit the samyn to be registrat in the bukis of Adjornale; off the quhilk the tennour followis.

REGINA,

WE, for certane cauffis moving ws, grantis and gevis Licence to Gawane Commendater of Kilwynning to departe out of the Toun of Striuiling and certane spaces þairabout, quhairin he is now presentlie Wardit at our command, and to pas and do his leful besinesis quhair he plesis, within þis our realme: And willis and grantis that he nor his souerteis sall incur na danger þairthrow, nor to be callit nor accusit þairfoir; and to þat effect willis and commandis þe Justice Clerk, or vþeris resaveris of þe said souerteis, to deleit þe actis of þe samyn furth of þair bukis, for keping of þe said Ward, be þis our writting, subscriuit with oure hand, AT STRIUILING, þe xxvj day of September, 1563.

MARIA R.

Convocation — Wounding — Mutilation.

Oct. 30.—DENE JOHNNE DWRIE,[1] Monk in Dunfermling, was 'replegit be Dauid Durye, sone, and apperand air of þe Lard of Dwrye, baillie of þe Regalitie of Dunfermling, who assigned þe penult day of November,[2] delatit of þe Conuocatioune of our souerane ladeis liegis, to the nowmer of xxiiij persones, bodin in feir of weir, &c., vpoun þe xxiiij day of July instant, vndir scilence of nycht, and setting vpoune Dauid Murray in Kerse, and Anthoune Ruderfurd, vpon þE HIE STREIT OF EDR quhair þai were gangand to þair beddis, to þe Chalmer of þe ȝoung Abbot of Dumfermeling, in sobir and quiet maner, &c.; and þair Invading thaim for þair slauchteris, and crewalye Hurt and Woundit the said Anthoune in four sindry pairtis of his heid, in his craig,[3] in his right leg, at þe kné, and diuerse vþeris pairtis of his body, to þe greit effussion of his blude; and mvtilat and maid him impotent of his said rycht leg; and left him lyand for deid: And als, crewalye Hurt and Woundit þe said Dauid Murray in his heid and diuerse vþeris pairtis of his body, to þe greit effussion of his blude; and Mutilat and demembrit him of his left arme.'—JAMES and ARCHIBALD MOWBRAY, brothers of John M. of Barnebowgall, Robert and James Bertane, brothers, and Patrick Thomsoun, son of Thomas T., burgess of Edinburgh, Richard Thomesoun, son of Edward T., baker there, and Thomas Hendersoune, '*Maister of the Fense-seule*,' were denounced rebels, &c., and all their moveables escheated, for art and part of the said crime, and their cautioners unlawed for their not entering to underly the law, &c.

[1] Jul. 16, 1577, JOHN DURIE, 'Minister of Christis Evangell, sumtyme ane of þe Conventuall Brethir' of the Abbacy of Dunfermling, and Josua his son, got a pension of L.66, 13s. 4d. for their lives, in lieu of his '*habeit-siluer*,' and other dues, from Robert Pitcairn, Commendator of Dunfermling, which was confirmed by King Ja. VI, Jan. 23, 1579.—*Reg. Mag. Sig.* XXXV, 138. [2] Mr William Scot of Balwerye being surety 'þat justice sall be ministrat and done.' [3] Throat.

Convocation — Wounding — Mutilation — Deforcing an Officer — Imprisoning, &c.

Jan. 8, 1563-4.—John Carmichaell of that Ilk, John his ſon and heir-apparent, Archibald his brother, James Johneſtone of Weſtraw, and thirty-one others, delatit of arte and parte of Conuocatione of our ſouerane ladies liegis to þe noumer of ane hundreth perſones, or þairby, bodin in feir of weir, with jackis, ſperis, ſwerdis, ſteil-bonettis, and vþeris wapnis invaſive, incontrair þe tenour of þe Actis of Parliament, vpone þe nynt day of November laſtbypaſt, come vpoun Thomas Hammiltoun, Officer of þe ſherefdome of Lanark, Jhone Jhoneſtone, ſone to vmq[te] Halbert Jhoneſtone of Weſtraw, and Jhone Wod of Stonieſyd, as witneſſis and aſſiſteris to him, in furth-ſetting of our ſouerane ladeis auctoritie, at þe Cruikbaitt, quhair þe ſaid Officier was gangand and dryvand ten heid of nolt, to haif apprifit þaim at þe Mercate croce of Lanark, be reſſone þe Watteris wes grate, and þai mycht not wynne þe nerreſt way; and þair maiſterfully reft þe ſaidis guidis fra þe ſaid Officier, and þairthrow deforcit him in executioun of his office and of þe ſaid Precept: In takin quhairof he brak his wand of peax[1] vpone þame, and tuke witneſſis þairupone: And incontinent ſett vpone þe ſaidis Jhone Jhoneſtone, Mr Archibald Hammiltoun,[2] and Jhone Wod, and inuadit þaim for þair ſlauchteris; and crewelly Hurte and Woundit þe ſaid Jhone Jhoneſtone with ane ſpeir throw his rycht hand; and als hurte and woundit þe ſaid Mr Archibald with ane ſpeir in at his henche,[3] and furth at his fundement; and ſiclyik, hurte and woundit þe ſaid Jhone Wod in þe bak ſyid of his heid, and dememberit him of ane pece of his neiſe, quhairthrow he wantis þe rycht vſe þairof, eftir he was tane and holdin priſoner to þaim, and in diuerſe vþeris partis of þair bodeis, to þe effuſione of þair bloode in grite quantitie, and left þe ſaid Mr Archibald lyand for deid; vpone ald ffeid, ſett purpois, proviſione, and forthocht felonye: And þaireſtir tuke þame priſoneris and captiues, and reſauit þair wapnis fra þame, and held þame at þair pleſour: And ſpeciallie, tuke þe ſaid Jhone Jhoneſtone captiue and priſoner with þame to þe Place of Carmichaell, pertening to Jhone Carmichaell of þat Ilk, quhair he and þai held him in priſone, be þe ſpace of xvj houris or þairby; and þaireſtir brocht him to Lowthiane, quhair þai held him be þe ſpace of five dayis or þairby; and ſyne, vpon þe ſaid xv day of November, tranſported him agane furth of Lothyane to þe Place of Cobyntoun, pertening to Jhone Lyndeſay of Cobintown, quhair he and þai held him be þe ſpace of thre dayis or þairby: And laſt of all, vpone þe xix day of þe ſaid moneth tranſported him furth of þe ſaid Place to Carmichaell, quhair þe ſaid Lard and þai held him be

[1] See Jul. 23, 1566, *Note;* Oct. 11, 1531, *Notice;* and Nov. 18, 1511, for some illustrations of this official ceremony in cases of deforcement. [2] See Jan. 10, 1563-4. [3] Haunch.

þe ſpace of thré dayis or þairby: Vſurpand þairthrow our ſourane ladeis auctorite.

The Lard of Stanehous vnlawit for nocht agane-bringing of þir Letteris vpone þe Lard of Cobingtone.

PERSEWARIS (Jhone Jhoneſtone, Jhone Wod) PRELOCUTOURIS—Dauid Hammiltone, ſone to my lord Dukis grace; The Lard of Stanehous, The Lard of Lemmyngtone, The Lard of Preſtone, Arch^d Hammiltone of Muretonne.

PRELOCUTOURIS for þe pannal—The Earl of Mortone, The Lord Somervell, Gawane Carmichaell, ȝoung Kittimuir, Mr Tho. McCalȝane, Mr Jhone Mc Scrope.

The prelocutouris for þe pannale and pairtye defendand, allegit þat þai ſuld not be put to ane Aſſyiſe for þe allegit deforcement contenit in þe ſaid Letteris, vnto þe tyme þe ſaid deforcement were firſt ciuile diſcuſſit; be reſone þat, of þe daylie practik of þis realme, all deforcementes before þai be Criminalie perſewit ar decydit befor þe Ciuill Juge. To þe quhilk anſuerit þe perſewaris, and oure ſouerane ladiis Advocattis, ſayand, þat þe ſaid deforcement aucht to be decydit befoir þe Juſtice, in reſpect of þe libell, conforme to þe Letteris, without ony deciſione þairof befoir ony Ciuile Juge; be reſone þat þe ſaid deforcement is libellit to be committit with Conuocatioune of our ſouerane ladeis liegis, with foirthocht felony and Oppreſſione, all concurrand.—Quhairupone ather of þe pairteis deſyrit INTERLOCUTOUR, *hinc inde.*

THE JUSTICE DEPUTE, with avyiſe of þe Aſſyſſouris[1] continewit the furth-geving of þe Interlocutour quhill Monunday nixt to cum: AND decernit to proceid vpone þe remanent crimis contenit in þe ſaidis Letteris.

ITEM, þe prelocutouris for þe pannale and defendouris allegit þat na proces may be led agains þame for þe allegit taking and priſoning of Jhone Jhoneſtone, becaus na wrang wes done to him þairby, be reſone he wes not, þe tyme of his allegit taking and priſonyng, oure ſouerane ladiis fré liege manne; but wes þan, and be þe ſpace of . . . ȝeris of-befoir, continewalie, and þan inſtantlie, our ſouerane ladiis Rebell and at hir horne, denuncit and put þairto be vertew of hir Letteris in default of finding of lauborrowis that . . . . . .[2] ſalbe harmeles and ſkaythles of him, vnder certane panis contenit þairin: And, for verefeing þairof, producit þe ſaidis Letteris indorſate, in Jugement; and allegit, þat þai mycht lefully haif takin and preſonit him as our ſouerane ladiis rebell, and vſit and handlit him mair extremelie, gyff þai pleſit. To the quhilk it was anſuerit be þe perſewaris and our ſouerane ladeis Aduocattis, that þai on na wyis affirmand þe execution of þe ſaid Hornying to be of veretie, allegit, þat þe ſaid Jhone Jhoneſtone, þe tyme þairof, wes minor and of leſs-aige, nocht *doli capax*, and thairthrow þe executioun þairof mycht not extend to preiuge him in þe

[1] ASSESSORS. These were Lords of the Privy Council, &c. Their names are seldom given in the Books of Adjournal, as it is believed they took the duty by turns daily. [2] Left blank.

perſute of þis action; ſpecialie, in conſideratione þat be þe ſpace of aucht or ten ȝeiris, or þairby, he wes repute and haldin our ſouerane ladies fré liege, hauand na pairty to perſew him vpone þe ſaid Hornying, and did and exercit all lefull actis, enter him ſelff in jugement and owtwith without obiectione of þe ſaid proces of Hornying; and þairfoir, proces mycht be led be þe Juſtice depute aganis þe ſaid pairty perſewit for taking and apprehending of him conforme to þe tennour of þe ſaid Letteris.

The Justice depute, with avyiſe of þe Aſſeſſouris, continewit þe Interlocutour vpone þe ſaid allegeance and anſuer quhill Monunday nixt to cum, Ordanis fouirté to be tane be þe pairty perſewit for þair entré to þe ſaid day to heir þe ſaidis Interlocutouris pronuncit.

'James Erle of Mortoune, Lord of þe Regalitie of Dalkeyth, replegit þe ſaid *James Jhoneſtoun of Weſtraw*' to his Regality—and, with conſent of parties, fixed the third day of the next Aire of Dalkeith. James Lord Somervell, ſurety, &c.

The Laird of Carmechaell unlawed for non-entry of *Robert Twedy*, his ſervant, and *John Hunter* in Brigtoun-dyik, who were each denounced rebels, &c.

(Jan. 10.) The Laird of Carmichael, his ſons, two ſervants, and three others, came in Will 'for Conuocation of oure ſouerane ladeis liegis, and Hurting and Wounding, vpone ſuddentie, of Mr Archibald Hammiltone, Vicar of Sanct Cuthbertis Kirk beſyde Edinburghe, and Jhone Wod of Sonnyſyid, to þe effuſione of þair blood, vpon þe nynt day of November laſt bypaſt.—The Justice Ordained them 'to paſs and enter þair perſonis in Ward, vpone þe North ſyid of þe Water of Spey, within xx dayis nixt eftir þe dait heirof; and þair remane in Ward during our ſouerane ladiis Will. And ſiclyik, þe ſaid *James Jhoneſtone of Weſtraw*, of his awin conſent and fré will, obliſt him to enter in Ward within þe boundis foirſaidis, within þe ſame ſpace,' &c.

James Lord Somervell became ſurety for their entry at the next Aire of Lanark, to underly the law for all the other crimes contained in the Letters.

The Laird of Carmichaell, &c. 'ar actit and obliſt, of þair awin conſent, to remane and keip þe ſaid Ward; and not to purchaſe our ſouerane Ladiis Licence to returne furth of þe ſamyn for þe ſpace of ȝeir and day nixt to cum, with(out) conſent and avyiſe of my Lord Duke of Chettelaralt had and obtenit þairupone,' &c.

False Notary — Forging an Instrument, &c.

Feb. 5.—Sir James Cowdene, Notar Publict, Convicted by an Aſſiſe 'as ane ffalſer, for þe ffals fforgeing, making, and ffeinȝeing of ane pretendit Inſtrument, writtin and ſubſcriuit be his hand, and vndir his ſigne-manuale, in fawouris and at þe inſtance of Maiſter Nicoll Ruthirfurd: In reſpect that the

ſaid Sir James confeſſit, in Jugement, in preſence of the ſaid Juſtice and Aſſyiſe, þe making of the ſaid Inſtrument, and þat the ſamin wes ffenȝeit and ffals; and that he wes ſoliſtit, tyiſtit,[1] and perſwadit be þe ſaid Maiſter Nicoll to do the ſamyn. ITEM, the ſaid MR NICOLL RUTHIRFURD[2] Convict be þe ſaid Aſſyiſe of plaine and manifeſt ffalſet, and as ane ffalſer, in arte and parte with þe ſaid Sir James in his ffalſett in making and ffeinȝeing of the ſaid ffals Inſtrument, throw his perſwaſioune, ſoliſtatioune, and tyiſting of the ſaid Sir James to mak þe ſamyn in his fawouris: And þat, in reſpect that he confeſſit his ſoliſtatioune and tyiſting foirſaid, and that he wes the diuyſare and inventare of the ſaid ffalſett.—ORDANIT to pas in Ward within the Tolbuythe of Edinbur^t quhill þe Juſtice wer forthir awyſit vpoune þair puniſchement.[3]

Forging and Uttering False Coin, &c.

THOMAS PEBLIS, Goldſmyth, ſone to vmq^le Mr Jhone Peblis, burges of Edinburgh, CONVICT be deliuerance of þe Aſſyiſe foirſaid off arte and parte of þe treſonabill making, contirfuting, and ffenȝeing of þe Irnis[4] vnder writtin of our ſouerane ladiis cunȝe,[5] that is to ſay, Of þe prenting irnes of ane TESTANE, ane HALFF-TESTANE, ane NON SUNT, and of ane LYONE callit þE HARDHEID: And of þe treſonabill cunȝeing, prenting, and ſtriking with þe ſaid Irnis off diuerſe fals Teſtonis, half Teſtonis, Non ſuntis, and Lyones callit Hardheidis; and Owtputting þairof, as for our ſouerane ladiis trew CUNȝE, amang hir liegis, diſſauand þame þairwith þis lang tyme bygane; ſpeciallie, in þe monethis of Auguſt, September, October, November, December, and Januar laſt bypaſt. To þE TAKIN,[6] vpone þe nynt day of Januer laſt bypaſt, eftir þat þe ſaid Thomas had put owt certane of þe ffals Lyonis foirſaidis, callit Hardheidis, to ane pover woman, as for þe price of ane burding of coillis, ſcho come to þe mercate of þis burcht, þairwith to by[7] ſic thingis as wes neceſſar to hir; quhair ſcho wes tayntit[8] with þe ſaidis ffals Lyonis: And þe ſaid Thomas being nemmit be hir to be hir warrand, and deliuerer of þe ſaid ffals conȝe to hir, Dauid Symmer and vþer Bailleis of þe burcht of Edinburcht come with hir to þe ſaid Thomas chalmer, within þe ſamyn, to ſerche him for tryell of þe veretie; quhair he held þe dur of his ſaid Chalmer cloiſe vpone him, and wald not ſuffir þame to entir, quhill[9] þai brak vp þe dur þairof vpone ȝou (him), and enterit perforce þairin; and þe ſaid Thomas being inquirit, 'Gyff he had gevin þe ſaid pover woman þe ſaidis

[1] Enticed. [2] He is styled in the forged Deed along with Margaret R., 'executouris to vmq^le Jonet Rutherfurd;' and seems to have been a relative of George R. of Hondelye, in favour of whom the forged Deed was concocted, for the purpose of restoring to him, as heir at law of Jonet R., the lands of Woodhall, in the barony of Reidhall, and shire of Edinburgh. [3] No farther notice is taken of these Cases in the Record. [4] The *Irons* or dies from which the Coins were struck. [5] Coin. [6] In token or proof whereof. [7] Buy, purchase. [8] Charged, accused, *attainted.* [9] Until.

Lyonis, be þe ſaidis Bailleis, for þe price of hir coillis? Confeſſit þe ſamyn: And his chalmer being ſerchit, þair wes diuerſe of þe ſaidis irnis, alſweill ſunkin and vnſunkin, togidder with þe ſaidis ffals Teſtanis, Non ſuntis, and Hardheidis, fundin in þe ſamyn; and confeſſit to be gravin and maid be him and his collegis; and als, þe ſaid Thomas had caſſin diuerſe vþeris of þe ſaidis Irnis and fals money þe tyme he held his chalmer, in his cloſett; lyik as he confeſſit þe ſame in preſens of þe Juſtice Clerk: And þat in reſpect of his Confeſſione maid in Jugement, in preſens of þe ſaid Juſtice Depute þe ſaid day.

Sentence.—To be Hangit on ane geibet, at þe Mercate-croce of Edinburgh, his heid to be ſtrykin fra his body, and his body querterit; and his heid and memberis to be put and hungin on þe maiſt patent Portis of Edinburghe. And þat all and ſindrye his gudis, movabill and vnmovabill, money, gold, ſiluer, merchandiſe, takkis, roumes, ſtedingis, rentellis of landis, reuerſionis, bandis, heretagis, annuelrentis, poſſeſſionis, and vþeris his heretabill rychtis and lyferentis, ſuld pertene to our ſouerane lady, and be in hir handis, be reſone of eſcheatt, &c.; and þat he hes ffoirfalt þe ſamyn for euir.

'Umbesetting the gait' — Slaughter.

Mar. 14.—Andrew Sinclare, *alias* Myllare, at the Mylne of Trottoch, within the ſherifdom of Forfar, was replegiated to the Regality of Keryemuir[1] by Archibald Dowglas, baillie of Archibald Earl of Anguſs, delatit of þe Slauchter of vmq^le^ Robert Smyth, at þe Myll of Trottoch, in Vmbeſetting of his gait at þe Bitter-burne, lyand betuix þe Toune of Dunde and þe ſaid mylne, in þe moneth of December laſt bipaſt; and þair ſtraik and punſcheit þe ſaid vmq^le^ Robert vndir his feit, and left him lyand for deid: Of the quhilkis ſtraikis he neuer convaleſſit, bot within ten dayis þaireftir deceiſit þairof; and ſwa wes crewaly ſlane be the ſaid Andro, vpoune auld ffeid and foirthocht fellonye.'

Persewaris, Johne Smyth, eldeſt ſone to vmq^le^ Robert; Archibald Smyth, brother-ſone.

[*Archibald Earl of Argyle, Juſtice-General.*]

Murder — Common Theft — Resett — Sorning.

Mar. 15.—James M^c^Dormond, Johne M^c^Graſſycht, and Malcum M^c^Clarene, Convicted by this Aſſiſe of 'Murthour, Commoun Thift, Reſſett, and Sorning.'

Assisa.

Wm. Cwninghame of Glengarnok,
J. Bucquhennane of Camroune,
John Bucquhennane alias Walterſoune,
The Lard of Drumquhaſſill,[2]
. . . Bucquhennane of Lany,
Alex. Abircrumby of þat Ilk,
Johne Murray of Laichlaw,
Walter Berclay of þat Ilk,
James Mentyth,
Walter Bucquhennane of Drumnakill,
Robert Haldene,
Alexander Drummond of Megour,
Williame Drummond of Balloche,
Dioneyſe Dog,
Andro C.,[3] ſeruand to Drumquhaſſill.

[1] Mar. 28 was assigned to administer justice, &c. [2] 'Cwnnynghame.' [3] Id.

Coining false 'Balbeis' (Bawbeis).

Mar. 20.—MAISTER DUNCAN FORBES OF MONYMUSK, and Johne Forbes of Petſligo, his brother, found ſureties (Alex. Home of Manderſtoune, and Johne Lumiſdene of Blanerne) that they 'ſall compeir befoir our ſouerane and Lordis of Counſale, vpoune xv dayis warnyng, as thay be chargeit thairto, to ſẽ forther tryell taiken anent the allegit cunȝeing of ffalſe cunȝeit Balbeis; ilkane of the ſaidis perſones vndir the pane of ane Thowſand markis, conforme to the deliuerance gevin be THE QUENIS grace thairupoune.'

Slaughter.

Mar. 22.—CHARLES JARDANE, Malye, Agnes, and John Harknes, in Toddelmuir, 'Delatit of the Slauchter of vmq^le Adame Spens, vpoune Feb. xvj, I^m V^c lxiij, vpoun the thrid of the landis of Cumrew, lyand within the Sherefdome of Drumfreiſe'—'in default of non-comperance of þe Aſſyiſe, THE JUSTICE continewit the perſute þairof to the thrid day of þe next Juſtice-aire of (Dumfreis,) &c.

PERSEWAR, Johne Spens, fathir-brothir to vmq^le Adame, as ane of his kin and freindis.

PRELOCUTOURIS for the pannell,

Mr Clement Litill, The Lard of Drumlangrik, The Lard of Apilgirth.

PRELOCUTOURIS for the perſewar,

The Lard of Torry, The Lard of Elphinſtoune, Rob. Johneſtoun of the Cottis, Jhone J. of Cragaburne.

Magistrates of Edinburgh for setting a Prisoner at liberty.

Jun. 6.—MAISTER JOHNE SPENS,*[1] DAUID SYMMER (Somer), MR ROBERT GLEN,* (Bailies,) Eduard Houpe, James Barroune, Alexander Park, (Treaſurer,) Mr Johne Marioribankis,†[2] Alexander Naper, Archebald Grahame, Allane Dikkeſoune, Michaell Gilbert, Alexander Bruce, Mr Johne Preſtoune, James Adameſoune, Cuthbert Ramſay,* (Councillors,) and Alexander Guthrie,* ('Commoun ſcribe of Ed^r'—*Town Clerk?*) delated for 'arte and parte of the putting to libertie of Williame Paterſoune, burges of þe ſaid Burghe, furth of Warde of þe Tolbuithe of Edinbur^t, eftir þe ſaid William had recentlie hurt vmq^le Nicoll ȝoung, he being lyand in perrell of deid; like as, he, within xxiiij houris eftir his putting to libertie, deceiſſit of þe ſaid hurting.'[3]

PERSEWARIS, The Quenis Aduocattis, Robert ȝoung, ſaþer; John and William, breþer, Johne ȝ., writer, James ȝ., cutlar, (James ȝ., ſeruand to Mr Johne Abircrumbye;) Archibald Naper of Merchameſtoune, and the remanent kyn and freindis of vmq^le Nicoll ȝoung, taillour.

PRELOCUTOURIS for the pannal, Mr Dauid Borthwik, Mr Thomas M^cal ȝeane.

Mr Dauid Borthwik aſkit inſtrumentis (that) the ſaidis perſonis comperit as prelocutouris for þe perſones perſewaris.

[1] Those marked * were 'Diſchargeit be þe party and Aduocattis.' [2] Those marked † were bound over to underly the law at the next Justice-aire, or to appear before the Justice, whenever they should be required, on xv days' warning. [3] See Aug. 11, 1564.

Archibald Dowglas of Kilſpindie, Proweſt of þe burcht of Edinbur^t^, became ſouertie for þe entrie of Maiſter Johne Spens, &c. beſoir þe Juſtice or his deputtis þe tent day of Junii inſtant.—Mr Robert Creychtoune aſkit inſtruments vpone þe productioune of þE QUENIS grace LETTER, and deſyrit þe ſamyn to be regiſtrat; quhairof the tennour followis.

REGINA,

JUSTICE, Theſaurer, Juſtice-Clerk, Aduocattis: fforſamekle as þe day affixt for perſewing at our inſtance, and oure Aduocattis, off þE BAILLIES AND COUNSALE OF EDINBURGH, for putting to libertie and fredome furth of oure Ward þe committeris of þE SLAUCHTER of vmq^le^ NICOLL ȝOUNG, burges of Edinburghe, vnpwniſt, in contemptioun of our auctorité, is þe ſext day of Junij nixt to cum, in our Tolbuith of Ed^r^: QUHAIRFOR, ſen þe ſaid actioun tendis heichlie to oure honour and auctorité royall, and als to þe greit hurt of þe pure freindis of þe ſaid vmq^le^ Nicoll, it is our Will, and we charge ȝou, þat ȝe with all diligence awyiſe with þe ſaid actioun, and Lettres direct þairupoun; and at þe day affixt þairto, proceid and do juſtice in þe ſaid mater, conforme to þe law and juſtice without ony delay or continuatioune. As ȝe will anſuer to ws vpoun þe executioune of ȝoure offices, ffor it is our will and mynd þe ſamin be done. SUBSCRIUIT with oure hand AT EDINBUR^T^ þe laſt day of Maij, the ȝeir of God I^m^V^c^lxiiij ȝeiris. (MARIE R.)

DAUID SYMMER, for him ſelf, aſkit inſtrumentis that the Juſtice depute declarit, that he and the remanent his collegis vpoun þe pannall ſuld haif bot ſax prelocutouris.—The Lard of Merchameſtoune declarit, that he wald perſew na man vpone þe pannall vpoune his lyfe, bot Dauid Symmer allanerlie; and that, becauſe he is ſurelie perſwadit, alſwele be writting as commoning hed betuix him and the ſaid Dauid, that he was culpabill of the crymes contenit in the Letteris.—Johne ȝoung, &c. aſkit inſtrumentis that thai comperit nocht as prelocutouris foirſaidis to perſew þe pannall, or ony of þame, of þair lyves; bot allanerlie [1] inſafar as þe actioun is hurtfull to þe freindis of vmq^le^ Nicoll ȝoung, remittand þe perſute þairof, of þE QUENIS grace actioun, to hir hienes Aduocattis; bot inſafar as þe Letteris beris ony actioun of pairtye, concerning þe freindis [2] of þe ſaid vmq^le^ Nicoll, þat þai wald perſew þe ſamin aganis ſa mony of þe pannalls as þai wald name. Vpoun þe quhilkis þe perſonis perſewit aſkit inſtrumentis.

Mr Dauid Borthwik allegit that THE JUSTICE-CLERK mycht nocht be Clerk in this mater, nor voit [3] thairintill, becaus he and the Lard of Merchameſtonis wyfe wes ſiſter and brethir bairnis,[4] and that thair wes bairnis betuix the ſaid Lard and his ſpous.—THE JUSTICE, be his Interlocutor, fand the Juſtice-Clerk was Ordinare, [5] and mycht nocht be removit.

The ſaid Mr David allegit, *dilatorié*, that the ſumondis is ſa generall that the ſamin can nocht pas to ane Aſſiſe, becaus it condiſcendis *de nullo genere criminis Capitalis*, in ſpeciall, that may reſſaif ane particular dyet. He alſo aſkit inſtrumentis, in name of *Alexander Guthré*, that the Advocattis and perſewaris paſt fra the perſutt of the ſaid *Alexander Guthré*.—THE JUSTICE, Theſaurer, and

[1] Only. [2] Blood-relations. [3] Vote. [4] Cousins-german. [5] Judge-Ordinary.

Aduocattis, requirit Alexander Guthré, Commoun Scribe[1] of Edinburghe, in our foueran ladeis name, to exhibit and produce befoir þame, incontinent, the commoun Buke quhairin the Actis anent the releving of Williame Paterfoune ar contenit.

The faid Mr Dauid allegit, that thair can be na accufatioun heir towart þe perfones on þe pannell, becaus thir Baillies ar Jugeis Ordiner, havand power of incarceratioune; and infafar as thai ar accufit of the out-letting of this man, as the fummondis is libellit, it contenis na cryme; becaus it is nocht libellit, that this man lattin furth is nowther convict of ony Homicide, or fugitiue fra THE QUENIS lawis, as in veritie he is nother convict nor callit vpone that crime; and in caife he wer perfewit, the man mycht entir and indure the lawis of this realme: Becaus Slauchter may be committit in a mannis defence, and he is able[2] to vnderly the law for the famyn, as oft hes bene practifit.[3] And thairfoir, the perfones on the pannale can on nawis be perfewit, except it wer libellit that the faid man ovt-lattin wer owther convict or fugitive. Repetit the fame allegeance towart *Mofcrope*.

Maifter Thomas M^c^calzane[4] allegit the libell wes nocht relevant, becaus it is foundit vpone the allegit latting out of Ward of *Patterfoun* and *Mofcrope*, aganis the Baillies and Counfale of Edinburgh, without ony qualificatioun how latting out of Ward is ane cryme to thame; but allanarlie qualifiand to that effect, that thairthrow thai fchew thame felfis fawouraris of þe faidis *Paterfoun* and *Mofcrope*, and contemnit thairthrow THE QUENIS auctorité, in hynderance of juftice, &c.: Quhilkis qualificationis contenis na cryme, without it wer faid thai affiftit to the cryme. And the latting out of Wardouris is na contempt nor vfurping of THE QUENIS auctorité, in perfones that hes THE QUENIS auctorité of prefoning, and inputting and outputting, as the Baillies of Edinburgh hes, and hes bene in continuall poffeffioune thairof, paft memorié of men; nocht libelland, that thai extendit[5] thair powar, havand fic.[6] And allegit, hynderance of juftice can nocht be ane cryme, fpeciallie as is libellit, quhair it is nocht libellit that the principale caus is nocht difcuffit. And quhair it is allegit, that the famin wes aganis the lawis, thair is na fic lawis; and defyrit to knaw the famyn, and aganis quhat law thai contrauenit, and quhat pwnifiment the law requiris. And attour, allegit, that thair wes *fraus neque dolus* libellit, at the leift fufficientlie qualifeit, quhilk may induce ony cryme.

The perfewaris, Robert ȝoung, father, and Johne ȝoung, brother, of the faid vmq^le^ Nicoll, gaif thair aithis[7] *de calumpnia*, that thai hed gude actioune to per-

[1] Town-Clerk. [2] *Habilis*; liable. [3] Decided, as a *practique*, or precedent. [4] Afterwards Lord Cliftonhall, father of the celebrated Eufame Macalzeane, who was burnt, for Witchcraft, in the succeeding reign. See II, 247, &c. [5] Exceeded. [6] Having such. [7] Oaths.

ſew all the perſones contenit in the act producit, viz. Mr Johne Spens, Dauid Symmer, Mr Robert Glenne, Bailleis; James Barroune, James Adameſoun, Eduard Houpe, Alexander Park, Mr Johne Preſtoune, and Cuthbert Ramſay.

The Aduocattis anſweris, that the libell is ſpeciale, and relevant aneuch,[1] and ſuld be putt to the knawlege of the Aſſiſe, nochtwithſtanding the ſaidis allegeances, in reſpect of the ſame libell, and of ane Act producit be the Aduocat, and ſubſcriuit be Alexander Guthré, of the dait the xv day of Marche 1563.

(Jun. 10.)—The Justice, be awyiſe of his Aſſeſſouris, Repellis the allegeances aboue writtin.—The pannal proteſtit for remeid of law.

Maiſter Thomas M'calȝane, prelocutour for *James Barroun*, and the remanent pannal perſewit, as being vpoun the Counſale[2] of Edinburghe, by[3] the Baillies, that had Juriſdictioune of inputting and outputting of perſones; allegit, that inſafar as thay ar perſewit, being vpone the counſale of the latting out of the perſones libellit, and can nocht be repute to thame as ane cryme, that thai ar nocht ſubject to vnderly an Aſſyiſe for that deid, as allegit criminall, becaus the deid to the quhilk thai ar allegit to haif gevin counſale, is nocht certane to haif bene criminale of the ſelf; ffor it followis nocht, that quhan thair is ane man lattin out of preſonne, that thairfore thair is ane cryme committit; bot the preſumptioun is in the contrair, quhair ane Juge Ordinar lattis out ony perſoune, that thairfore it is nocht lauchfullie done; And this caus is nocht to be to thame that gevis counſale in latting out of manifeſt Thevis, or committing of Thift or Slauchter; ffor to commit Thift and Slauchter, or to gif counſale þairto, is cryme of the ſelf, except it be done be auctorité; and thairfor, gevand counſale be ordour of juſtice, and in the performing thairof, thair can na cryme follow vpoune the counſale-geving to the demandaris vpoun the releving of the manne requyrit be the Juge Ordinaris; according to the diſpenſatioune of the Commoune Law, in Lege, *nullus*, &c. *de regulis juris*—vthirwayis thair ſall fall ane greit inconvenient, that thair ſall na counſale be gevin to Jugis Ordinaris, quhilkis in this cuntré vſis nocht to handill greit cauſſis without counſale. And forther, in all tymes bygane, thair wes neuir manne accuſit of ony cryme for counſale-geving to ony Juge-Ordinar, requiring counſale in exerceing of his office. And this perſute is ane noveltie.

Dauid Symmer aſkit inſtrumentis for him ſelf nd his collegis, Baillies, that Johne ȝoung, prelocutour for the perſewaris, allegit, that the Counſale ordanit the Baillies to putt the pairteis libellit to libertie; as the Act maid thairupoune beris; and acceptit the ſaid allegeance, inſafar as the ſamin maid for him and his collegis, Baillies.

Maiſter Dauid Borthuik, prelocutour for the haill pannel, allegit, that this

[1] Enough. [2] Town-Council. [3] *Forbye;* besydes.

fact and accuſatioune aucht nocht to be put[1] to the pannal as ane cryme, becaus thai being Jugeis-Ordinaris ouer lyffe and memberis, and incarceratioune in preſoune, vnderſtanding the wond[2] nocht to be mortall, becaus it wes in ſic ane place as thair apperit na danger of deid[3]; and ȝit, for mair ſecuritye, according to thair accuſtomit vſe, in caiſis of hurt nother quhair deid wes nocht followit, nor Homicide committit, thay lett the man to plege, vndir ſouertie of his reentré, vndir the pane of ane Thowſand pundis; quhilk pane oure ſouerane ladeis maieſtie hes cauſit to reſſaif, to be vſit at her pleſour, as the pane of the cautioune: And thairfor, allegit, that hir Maieſtie, in effect, hes apprevit the ordour vſit be the Bailleis and perſones vpoune the pannale, in the releving and committing to plege of the ſaid *Williame Paterſoun*, and can haif na forther cryme to lay to the charge of the ſaidis Magiſtratis and Counſale; and thairfor, aucht nocht to be putt to the knawlege of ony Aſſiſe: And producit and ſchew THE QUENIS Aduocateis acquittance and diſcharge, in THE QUENIS grace name, vpone the reſſait and aggreance for the ſaid ſowme. And as to the latting out of *Moſcrope*, producit THE QUENIS grace command and Precept for putting of him to libertie. —The ſaid Mr Dauid Borthuik aſkit inſtrumentis, that John ȝoung, writer, producit certane Actis of Parliament anent Slauchteris.

The ſaid Mr Dauid allegit, that thair is na cryme qualifeit in the Summondis producit be the perſewaris, that may be imput to the Aſſyiſe; becaus the releving of *William Paterſoun*, in maner and be ordour as it wes done, is na cryme nor offence, nor yit aganis the lawis, outher Ciuile or Mvnicipall, bot wes done according thairto; becaus the Magiſtratis accuſit ar Jugeis-Ordinaris, havand power of lyve and membris, Shereffis, with preſoune, &c.: And inſafar as the ſaid Williame was tane and committit to preſone for ony allegit cryme, in caiſe it had bene of Homicide, lyke as thair wes nane thanne actuale committit, bot onlie in *ſimpliciter* Hurting, as wes thocht and belevit commonlie to all men, thay mycht of thair office, having kepit him attour[4] ane nycht and ane day, (lyke as he wes kepit be þe ſpace of four or fyve nychtis,) haif put him to libertie, vndir cautioune and plege, to haif vndirlyne the lawis; lyke as, in trewth, inſafar as he wes gevin to libertie, the ſamyn wes done vndir ſufficient cautioun for his reentré agane, lyke as thai haif bene in wſe be virtew of thair officis and juriſdictioun, in ſiclik caiſſis and offenſſis, to haif lattin men to plege, ſpeciallie quhair the actuale deth followit nocht, paſt memor; lyke as thai, and all vtheris Jugeis Ordinaris, aucht to haif done of thair offices, according to the Mvnicipale Law, conformit with the Commoun Law. And thairfor, it is na cryme, nor ſuld nocht be putt to the knawlege of ane Aſſyiſe; vthirwayiſe, na perſone that had woundit ony man mycht be put to libertie and fredome, quhill[5] the wound wer

[1] Imputed. [2] Wound. [3] Death. [4] Above, over, more than. [5] Until.

haill, incontrar all lawis. And attour,[1] thair is na cryme as ȝit, becaus the ſaid *Williame Paterſoun* is nowther conuict nor fugitiue fra þe Law; and ſwa is nocht ane Homicide, inſafar as he is nocht conuict.

ITEM, allegit the ſaid Mr Dauid, thay being Jugeis Ordinaris, as is aboue writtin, viz. Sheriffis, to be ſufficient inquiſitioune; and found, that the wond was nocht mortall, baith be thair awin jugement and be inquiſitioune and informatioun of Maisteris Chyrurgianis, famous men,[2] quhairby thai fand, that the wond was nocht mortall, and thairfor, fand that thai aucht of thair dewetye to latt the ſaid Williame to libertie, vnder cautioune; and mycht haif bene compellit be ordouris and reſſoun thairto.

Cuthbert Ramsay aſkit inſtrumentis, that nowther the pairtye nor THE QUENIS Advocattis wald accuſe him. *Alexander Park* allegit that he was nocht vpon the Counſale, bot wes allanerlie Theſaurer and ingadderare of the Commoune-gude.

The Aduocattis aſkit inſtrumentis vpone the productioune of the Proteſtatioune maid be Maiſter Johne Spens and Maiſter Robert Glenne, Baillies, of the dait the xv day of Marche 1563 (4); and deſyrit the ſamin to be ſchewin to the Aſſyiſe, quhairof the tennour followis.

PROTESTATIOUNE *be Maiſteris Johne Spens and Robert Glenne, Baillies.* THE quhilk day, in preſens of Dauid Symmer ane of the Baillies, James Barroune, James Adamesoune, Eduard Houpe, Alexander Park, Maiſter Johne Preſtoun, and Cuthbert Ramſay, of the Counſale, *Maiſter Johne Spens* and *Maiſter Robert Glen*, Baillies, diſaſſentit to þe outlatting of *William Patersoune* furth of Ward; and Proteſtit, þat in caiſe *Nicoll Zoung* deceiſſit of þe ſtraik, and þe ſaid Williame Paterſoun fugitiue fra þe lawis þairfor, that the burding and damnage þat mycht follow þairupone mycht be laid vpone þe conſentaris to his libertie; and þat þai nor THE GUDE TOUN,[3] fredome and libertie þairof, wer nocht in danger, in reſpect of þis þair Proteſtatioune and refuſale foirſaid. And heirupoune aſkit inſtrumentis.

ITEM, allegit the ſaid Mr Dauid Borthuik, that the latting of *Paterſoun* to pledge, procedit vpone ane Decrete in preſens of THE BAILLIES and Counſale, gevaris þairof, be ſufficient inquiſitioun and tryell accuſtumat to be taikin within the Burcht, in ſiclik caiſſis; quhilk Decrete is repute as the veritye, quhill[4] the Reductioune thairof; and ſua, ſen the ſaid Decrete ſtandis in ſtrenth, and the gevaris thairof nocht decernit be thair Juge-ſuperiour to haif done wrang, nor ȝit the ſamyn reducit, this Criminall caus, nocht being Ciuilye decydit, aucht nocht to pas to ane Aſſyiſe.

The Lard of Marchameſtoun aſkit inſtrumentis, that he perſewit na man except *Dauid Symmer*, as he proteſtit of befoir. Dauid Symmer allegit, that the thing that he is accuſit of wes done be ordinance and awyiſe of the Counſale;

[1] Moreover. [2] Credible men; of good fame, &c. [3] Edinburgh has been for a very long time deſignated 'THE GUID TOUN,' but the origin of the appellation is not clear. [4] Until.

and that he wes ane officiare to the Counſale ;[1] and thairfor, the thing that he did was at thair command. And for verefeing of his allegeance, producit ane Decrete—and thairfor proteſtit, quhatſumeuer danger he incurrit, the Counſale ſuld releif him þairof.

The Aduocattis paſt frome the perſute of *Maiſteris Johne Spens, Robert Glenne*, and *Cuthbert Ramſay :* Eikand,[2] that this few noumer[3] can never ſuffir the law, nor be decernit to haif committit the cryme libellit, nor the few noumer can nocht ordand.[4] It is the Common Law and Mvnicipall writtin law, quhair na ſlauchter is committit, to lat the perſoun to plege. *Item*, the Aſſyiſe aucht to acquit thame, becaus vpone allegit ordinance thir perſonis of Counſale on pannall hes na power to lat *Paterſoune* to libertie, nor mak ordinance ; becaus the leiſt of the noumer that can mak ordinance mon[5] be ſevine perſones. Johne ȝoung wryter, prelocutour foirſaid, acceptis this allegeance.

It is allegit for the parte of David Symmer, that he aucht to be acquit of all cryme ; becaus, gif ony he did, the ſame at the ordinance of the Counſale wes done ; quhilk he wes obleiſt to obey, as the Ordinance beris.

ASSISA *dict. personarum* (*Symmer,*[6] *Barroune, Houpe, and Adameſoune.*)

Maiſter Archibald Grahame,[7] (*ac.*)	Maiſter James Lyndſay,[9] (*f.*)	Eduard Kinkaid, (*f.*)
Patrik Hardye, (*ac.*)	Oldame Fullarton, (*ac.*)	Thomas Toddman, (*ac.*)
Johne Spottiſwood,[8] (*f.*)	James Carmychaell, (*f.*)	Johne Wilſone, (*f.*)[11]
Harbert Maxwell, (*f.*)	James Forrett, (*f.*)	
James Johneſtoune, (*ac.*)	Thomas Henrye (*f.*)[10]	

VERDICT. David Symmer, ane of the Baillies of the burcht of Edinburt, wes Convict be the haill perſones choſin and ſworne vpone his Aſſyiſe, off the putting to liberty furth of Ward of the Tolbuith of Edinburt of *William Paterſoune* burges þairof, being takin and apprehendit *reid-hand*, for the crewale Hurting and deidlie Wounding of vmqle Nicoll ȝoung taillour, and putt in Ward for the ſaid cryme, in the ſaid Tolbuith, at the inſtance of the ſaid vmqle Nicollis father and brethir, be the Baillies of the ſaid burcht, within thre or four dayis nixt eftir the committing of the ſaid cryme : The ſaid vmqle Nicoll being than continualie, fra the tyme of his deidlie hurting, lyand in perrell of deid þairthrow ; Like as, he within xxiiij houres, or thairby, eftir the putting of the ſaid William to libertie, deceiſſit, in the ſaid Hurting and Wounding : And ſwa, doand the ſamin, without command or auctorité of our ſoueran lady, or conſent

[1] He seems to have been presiding Magistrate, and as such pleaded that he was merely the organ of the Bench. [2] Adding. [3] The Minority. [4] Have no power to ordain or decree. [5] Must. [6] The Assise unanimously found him guilty. [7] Those marked (*ac.*) voted for the acquittal of Barroune, Houpe and Adamesoun. [8] Those marked (*f.*) voted for filing these persons, *i. e.* finding them guilty. [9] Chancellor. [10] He voted for the acquittal of Houpe. [11] Voted for the acquittal of Barroune. It has been thought proper to preserve the state of the vote in this remarkable case, which has been preserved in this form.

and adwyise of the pairteis foirſaidis, beand reddie to perſew, and havand ſpeciale interes thairin, partialie and wilfullie, in defraude of juſtice, to haif bene execute vponne the ſaid William, incontrair the lawis and practik of this realme.

Interlocutor. And þairfor deliuerit be the Juſtice Clerk, and his deputtis, in the handis of the Proweſt, and Maiſter Johne Spens, ane of the Baillies of the ſaid burcht, to be ſurelie kepit as thai wald anſwer to our ſouerane ladye.

(Jun. 21.)—James Barroune, James Adamesoune, and Eduard Houpe, be the Aſſyiſe foirſaid wes Conuict of the ſaid cryme committit in maner aboue reherſit. Adame Fullertoun, for him ſelff, and the remanent perſones foirſaid that wer acquit, aſkit inſtrumentis thairof. The pronunceatioun of this deliuerance continewit to the morne.

(Jun. 22.)—This day the pronunciatioun of the deliuerance of the ſaid Aſſyiſe wes ſchawin and declarit to þe pannall; quhairupoun the ſaid pannall aſkit inſtrumentis, and proteſtit for remeid of law, and for thair releif in this actioune of Wilfull Errour: And ſiclyk, that they ſuld be hard to gif in, the morne,[1] thair Proteſtatiounis in writt. The morne aſſignit be the Juſtice for giving in thairof.

Protestation *by the Pannel, againſt the Verdict of the Aſſiſe.*

Jun. 23.—David Somer, Baillie of the Bur[t] of Ed[r], *James Barroune, James Adamesoune, Eduard Houpe,* of the Counſale of the ſamin, Protestis, fforſamekill as the perſones of the Aſſyiſe Conuict criminalie thame for þe allegit out-letting of Williame Paterſoune out of Preſoune: Quhilk Conuictioun and deliverance of the ſaid Aſſyiſe is wranguſlie, wilfulye, and partialie gevin; and þairfor Proteſtis aganis thame for Wilfull Errour and wrangus and partiale deliuering, aganis all Law, ordour, and cuſtome of þis realme: And in reſpect, þat it wes baith allegit, and evidentlie ſchewin to þame, þat þai mycht leſumlie[2] haif lattin þe ſaid Williame furth vpoune cawtioune, baith be þe Mvnicipall Law of this realme, expreſſlie writtin in þe Maieſtie,[3] be the Commoune and Ciuile Law, and he the immovable vſe and practik of this Bur[t], obſernit in ſic caiſſis, be the Proveſt and Bailliés of þe ſamin, in all tymes bypaſt, and be all þe Scheriffis of this realme: And, thairfor, Proteſtis, that þai may haif actioune, in tyme and place, to all þe ſaidis Aſſyſoures, for Wilfull Errour on þame, or ony of thame, at particulare dyettis, to vnderly the law for wilfull breking and contrauening of the Lawis of this realme, and for manifeſt Periurie, deliuering aganis þe Law of the realme, practik þairof, and þair conſcience: And als, Protestis þat thay may haif actionne aganis thame for all coiſtis, ſkaithis, dampnage, and entres þai may incur or ſuſtene, in þair bodeis, perſones, or gudis, throw occaſioune of the ſaid wilfull Conuictioune. And deſyris this Proteſtatioune to be inſertit in þe Bukis of Adiornall. *Item,* Protestis, that the ſaid Convictioun be nocht preindiciall to þame, nor aþer of thame anentis the perſute of Alexander Acheſoune and Johne Weſtoune for releving of thame, according to ane Act maid be þe ſaidis twa cautioneris, þe xv day of March, 1563 ȝeris; but that þai may perſew þe ſaidis cautionaris for þair releif, conform to þe ſamin.

The ſame day, *Edward Hoip* Protestit, that in reſpect, þat he had allegit of beſoir to þe Aſſyiſe, beſoir their furthganging,[4] that he diſſaſſentit to þe latting furth of William Paterſoune furth of Warde; and in reſpect þat James Ȝoung, cultellar, ane of þe perſewaris, oppinlie at the bar, had

[1] To-morrow. [2] Lawfully. [3] Regiam Majestatem. [4] Before their 'going furth' of the Court, to the Assise-room, to consider the verdict which they ought to pronounce.

planelie confeſſit in preſens of the Lordis þe Juſtice, Juſtice Clerk and Aſſyſe, that he hard the ſaid Dauid diſſaſſent to þe putting of the ſaid William to libertie, and þat he offerit him to preif,[1] be þe remanent of the Counſall, that he diſſaſſentit þairto; Thairfor, inſafar as the ſaid Aſſyiſe hes ffylit and Conuict him, PROTESTIT for Wilfull and manifeſt Errour, remeid of law, and for coſtis, ſkaithis, dammage, and interes that he ſalhappin to ſuſtene or incur þairthrow, Criminalie or Ciuilie. And þairupoune aſkit inſtrumentis.

MEMORANDUM. Quhair James Barroune and his complices of the pannell, in the face of my Lord Theſaurar, the haill Aſſyiſe, and Clerkis of the ſamin, Proteſtit for the names of thame quha conſentit and diſaſſentit to thair Convictioune, off intent to reduce the ſamin, and mak Errour thairof, as he allegit, MAISTER JAMES LINDSAY, Chancellor of the Aſſyiſe, in name of the haill Aſſyiſe thair preſent, Proteſtit, gif ony man of the Aſſyiſe wald confeſs that he diſaſſentit to the ſaid Conuictioune, or wald oppin ony ſecrete reſſones or diſputationis amangis thame, quhairby ony malice or disfauour mycht be had to ane of the Aſſyiſe by ane vther,[2] that he ſuld be haldin and repute perjure and defameit; and that becaus the haill Aſſyiſe and Clerkis of the ſamin war ſworne vpoune the Halie Ewangell, vpoune thair awin motyve will, to keip ſecrete the ſamine. Quhairupoune the ſaid Mr James tuke inſtrumentis.

Sheep-stealing — Common Theft — Resett, &c.

Jun. 12.—HOB SCOT, callit *of Colyfurd;* Johne Scot, callit *Mr Johne the Clerk;* Mark Ellot, callit *of the Hill;* Johne Henderſoune, callit *Johne the Falſer;*[3] and Robert Paterſoun, in Gilmertoune, 'Convict and HANGIT.'[4]

ASSISA.

The Lard of Hinderſtoune,
Andro Sklater, burges of Edinburghe,
James Gyffort, in Lyntoune,
Williame Borthuik of the Hall,
Patrik Cranſtoune, burges of Edinburghe,
Andro Armeſtrang,
Richert Paterſoune, in Drumfreiſe,
Johne Newlandis, in Edinburghe,
Johne Scot, in Bradmedois,
Williame Scot of Tuſchelaw,
Adam Scot of Bonyngtoune,
Johne Mitchelſoune, in Leſwaid,
Michaell Naſmyth of Poſſo.

'Umbesetting the gait'—Invasion, &c.

Jun. 15.—PATRIK HOUSTOUNE OF THAT ILK; Peter, Mr William, John, and William, his brothers-german; William H., burges of Dumbertane; John H., in Kirkpatrik; John H., elder, in Dumbertane; John, his ſon; and Alexander Houſtoune, delatit of Convocatioune of our ſouerane ladeis liegis and Invaſioun of the ſaid Andro for his ſlauchter; and houſing of him in ane Houſe within the toun of Dunbertane.

PERSEWAR, Andro Hammiltoune of Cochno.

PRELOCUTOURIS for the pannell, The Lard of Cwnynglameheid; Mr Jhone Porterfield of þat Ilk; Johne Schaw of Broiche; Mr Richert Strang; Mr Jhone Abircrumby.

PRELOCUTOURIS for the perſewaris, Claude Hammiltoune, ſone to my lord Duik; James H. of Cruikwell; Johne H. of Stanehouſe; Alex^r H. of Myrretoune; James Noble of Ferme.

[1] Prove. [2] To one individual on the Assise more than another. [3] Forger. [4] There is no marking on the Record indicative of the nature of their crimes, which, however, may be pretty accurately conjectured.

Andro Hammiltoun declarit, vpone his aith, he wald perſew the ſaid Lard of Houſtounne, Mr Williame and Johne, his brother, of the *firſt* poynt of the Letteris allanerlie. *Item*, the Laird, his ſaidis twa brether, and Williame, alſwa his brothir, vpone the *ſecund* poynt allanerlie: And all the perſones on pannell for the *thrid* poynt.—The *laſt* poynt contenit in the Letteris, tuiching the Connocatioun, &c., is fundin to be put to the Aſſyiſe.

ASSISA *prefaturum perſonarum*.[1]

Johne Colquhoune of Luce,
Dauid Berklay of Ladyland,
Robert Lord Boyd,
James Glenne of the Bar,
Johne Someruile of Cambuſnethane,
Robert Colquhoune of Camſtrodane,
Williame Smollett, burges of Dumbertane,
Walter Buchquhennane of Drummakill,
Williame Levingſtoune of Jerwiſwod,
Andro M'ferlane of Arrochare,
Johne Cwnynghame of Drumquhaſſill.

VERDICT. The haill forneumit perſones on pannell, except Johne Houſtoune, elder, in Dumbertane, CONVICT be the ſaid Aſſyiſe of cuming vpoune Andro Hammiltonne of Cochno, within þe bur^t of Dumbertane, vpone þe xviij day of Marche laſtbypaſt, quhair the ſaid Andro wes beſet vpoune the Hie-gait þairof, and with drawin ſwerdis invadit him, and compellit him to tak ane Houſe for defence of his lyffe, vpoune ſubdantye.[2]

Slaughter of the young Laird of Grenelawdene.

'ALEXANDER HAITLIE, eldeſt ſone to the Gudman of Lambden; Johne, his broder, Robert Lowry, in Reidhall,' Acquitted by an Aſſiſe of the Slaughter of vmq^le Stevin Brounfeild, younger of Grenelawdene.

PERSEWARIS, Stevin Brounfeild of Grenelaudene, fader; and William B., broþer.

PRELOCUTOURIS for the Pannall,

The Commendater of Jedburcht; Andro Ker of Faudounſyde; The Laird of Trabroune; Mr Tho. M^cal3ane; Mr Johne Moſcrope; Cuthbert Cranſtoun of Thirleſtane-manys.

PRELOCUTOURIS for the Perſewaris,

Adame Brounefeild of Hardakeris; Alexander B. in Eiſtfeild; Patrik B. in Haffiltoune-manys; Alexander B., broþer to þe ſaid Adame; Alexander Brounfeild in the Manys.

The pannall aſkit inſtrumentis that Stevin Brounfeild, elder, declarit that thair wes na actioun of deidlie ffeid betuix him, his freindis, perſewaris, and the ſaid pannall and thair freindis.

Convocation on South Inch of Perth—Wounding, &c.

Jul. 8.—ANDRO RAMSAY, burges of Perth;[3] Robert Pittilo, and James

[1] The *Absentes* were Mongo Lyndſay of Balull, Robert Buchquhannane of Balloch, Hew Crawfurd of Kilburny, Johne Cwnynghame of Glengarnok, Alex. Park of Bagray, Mr Johne Wod of Galeſtoune, Louk Striuiling of Ballagane, and James Edmeſtoune. This is one of the smallest Assises on Record. There are numerous instances of *thirteen* persons being on Assises such as that in the preceding Case of the Scots, but very few of so small a number as *eleven*. [2] Suddenly; on a sudden; Lat. *subito*. [3] See Jul. 6, 1567.

Rynd there, and ten others, delatit of arte and parte of Connocatioune of our ſouerane ladeis liegis, bodin in feir of weir, and crewale Hurting and Wounding of Williame Moreſoun, feruand to the Lard of Cragy for the tyme, vpone the South Inche, beſyde the bur^t of Perth, in the moneth of Januar, 1562, after that he was tane and holdin in thair handis, in his heid, breking of his collar-bane and ſchulder-blaid; and ſtreking of him throw his left arme and in his breiſt, aboue his left pap, to the effuſioun of his blude, and hurting of him in his ſaid arme, quhairthrow he hes nocht the habilitye thairof that he had of beſoir; committit vpon ſubdantye.

PERSEWAR, Williame Moreſoune; Maiſter Robert Creychtoun, Aduocat.

PRELOCUTOURIS, Johne Roſs of Cragye; James, his brother; Patrik Eviot of Balhouſſye.

The pairtie paſſit fra the perſute of Andro Ramſay, James Dauidſoune, and Johne Chaip; and deponit his aith, that he had juſt cauſe to perſew the remanent on pannall.

ASSISA.

Williame Kynnynmonth of Hill, Alexander Blair of Balthyok, Johne Blair of Melgynche, Johne Lyndeſay of Alyth, Alexander Blair of Freirtoune, Williame Chalmer of Segydene.[1]

VERDICT. James Rynd, burges of Perth, FYLIT.[2]

Slaughter — Undue execution of the Dittay.

Aug. 11.—ROBERT PATERSOUNE, burges of Ed^r; Laurence Sympſoune, tailliour thair; Katherine Paterſoune, his ſpous; Arthour Granger, thair; delatit of the Slauchter of vmq^le Nicoll Ȝoung, tailliour.[3]

PERSEWARIS, Robert Ȝoung, fader; Johne, broþer; and the remanent kyn and freindis, &c.

Robert Paterſoun and Arthour Granger aſkit inſtrumentis that the perſewaris aboue writtin paſt fra thair perſute.

The ſaid Johne Ȝoung (tailliour) vnlawit in the panis contenit in the Actis of Parliament, for nocht productioun of the Letteris, dewlie execute and indorſate, vpoune Robert Moſcrope; in reſpect that mentioun is maid, that he wes ſerſit and ſocht within THE BUR^T OF ED^R, and chargeit at the Mercat-croce of Ed^r; and chargeit at *the Mercat croce* thairof, having his duelling place for the tyme within JEDBURGHE. The ſaid John proteſtit for his releif of the Officiare, executour thairof.[4]—The Laird of Pennycuke became ſurety for the entry of Sympſoune and his ſpouſe, at the next Aire of Edinburgh, &c.; and the parties mutually took out *Lawburrows* againſt each other that they ſhould be 'harmeles and ſkaithles of thame and all that thai may latt,' &c.

[1] The other seven were burgesses of Perth. [2] The rest were ACQUITTED. [3] See the proceedings against the Magistrates of Edinburgh, &c., Jun. 6, 1564. [4] A protest is accordingly recorded, 'becaus he himself was ignorant of the Lawis, and maid expenſſis vpone William Barrye, Meſſinger, for putting of the ſaidis Letteris to dew executioune; and inſafar as thai wer nocht dewlie execut, the falt thairof wes in the ſaid Williame and nocht in him; that thairfore, he mycht haif his releif,' &c.

Mutilation — Old Feud.

Sep. 20.—JOHNE GORDOUNE, in the Park; Alexander G., of Traquhane; James, his fone; and Robert Levingftoune, delatit of the Mutilatioune of Robert Macteir, feruand of Thomas McClellane of Bomby, of his thomb of his right hand, and vtheris crymes contenit in the Letteris direct þairupoune; committit be thame vpoune the thrid day of Auguft laftbypaft, vpoune auld ffeid and foirthocht fellonye.

PERSEWARIS, Tho. McClellane of Bomby; Ro^t Forrefter, burges of Kirkcudbrycht; Ro^t McTeir.

PRELOCUTOURIS for the Perfewaris, My Lord of Caffillis; Hew Kennedye, his faþer broþer; The Lard of Drumnellane; The Tutour of Bomby; Mafter Thomas M^cclellan.

PRELOCUTOURIS for the Defendaris, Mr Johne Mofcrop; The Lard Lochinvar; Johne Schaw of Haly; Hew Wallace of Tarall; The Lards of Lammyngtoune and Skraling.

The Letteris wes Caffin, becaus þai wer nocht dewellie execute and indorfate.

Slaughter.

Oct. 12.—JOHN HENRYE, in Striuiling; James H., younger, thair; and Johne H., fone to James H., elder, thair, delaitit of the Slauchter of vmq^le Johne Rae, in Bukeburne, (Bannockburne?) within the fcherefdome of Striuiling.

PERSEWARE, Jonet Merfchell, relict of the faid vmq^le Johne Rae.

PRELOCUTOURIS for the perfeware, The Lard of Luce (Luss); My Lord Boyd; The Lard of Duntreith; The Lard of Manis.

PRELOCUTOURIS for the defendaris, The Lard of Fordell; Mr Henrye Kinrofs; Mr Richard Strang; Mr Edward Henderfoun; The Lard of Lany.

Maifter Henrye Kynrofs, ane of the prelocutouris foirfaidis, afkit inftrumentis vpoune the electioune of the faidis fyve prelocutouris, and that the Lard of M^cfarland affiftit to the perfute. And als afkit inftrumentis vpoune the indorfatioune of the Letteris producit and executioun thairof, in the moneth of Junij, as the indorfing thairof beris; quhilk Executioune wes maid befor the committing of the faid Slauchter: *Item*, allegit that the faid Johne Henderfoune was within the aige of tuelf ȝeir,[1] and wes nocht *capax* (*doli*), nor habill[2] to vnderly the law thairfor.—VERDICT,[3] 'ACQUITTIS.'

Invasion — Hurting and Wounding, &c.

GEORGE GORDOUNE OF SCHEUES, knycht, George Gordoune, ȝounger of Geycht, James Cheyne, &c. (eighteen others), delatit of the crewale Invafioune of Maifter William Con of Auchry, and Hurting and Wounding of him in

[1] On the margin, 'PUER and DISCHARGEIT, becaus he wes within xij ȝeiris.' [2] Liable; Lat. *habilis*. [3] Henrye Leviftoune of Grene3ardis was the only *Laird* on this Affife. Robert Seytoune of Tullebody, Robert Drummond of Carnoke, Robert Forefter of Boquhane, and Walter McCawlay of Ardincapill, were amerciated for being absent. The rest were persons of no note.

diuerſe pairtis of his body, to the greit effuſioune of his blude; and ſtriking and dinging with brydill of Johne Paterſoune, George Broune, and Alexander Troupe, his cotteris; and vtheris crymes, at lenth expremit[1] in the Letteris direct thairupoune.

PERSEWAR, Maiſter William Conne of Auchrye.

PRELOCUTOURIS for the Perſewar.
My Lord of Caſſillis, My Lord Borthuik,
The Lard of Cokpill, Hew Kennedy of Barquhynaye.

PRELOCUTOURIS for the pannall.
Mr Tho. McCalȝane, Mr Dauid Borthuik,
George Baird of Auchmaddy, Mr Tho. Gordoune.

And becaus ſufficient nowmer of Barronys and Pearis compeirit nocht to paſs vpoun the Aſſyiſe of the ſaidis Lairdis of Geycht, elder and ȝounger, the Juſtice ordanit ſouerties to be reſſauit of thame for thair comperance the thrid day of the next Juſtice-aire (Aberdeen), or ſoner, vpoune xv dayes warnyng, to vndirly the law for the ſaidis crymes.

VERDICT. 'Acquittis' James Cheyne and the other pannels. 'The Lard of Pittindreych, George Johneſtoune of Creychtmond, Mr Duncan Forbes of Monymuſk, and John Forbes of Fynȝeak,' were the only Barons on the Aſſiſe.

ABSENTES *ab Aſſiſa.*

James Dempſtare of Auchterles,
Mr Thos Keir of Cowclaraquhy,
The Lard of Balhagartye,
The Lard of Cvnache,
. . . . Leſlie of that Ilk,
Wm. Gordoune of Auchindoune,
George Leſlie of Touche,
William Leſlie yr of Wardres,
The Lard of Delgatye,
John Seytoune of Auchinhaif,
William Auchinlek of Schethin,
Patrik Mowat of Boquhally,
James Stewarte of Brig,
Mr Johne Craig of Craigisfintray,
Alex. Bucquhane of Auchnacoy,
Patrik Leyth of Harthill,
Johne Caddell of Aſlowne,
Williame Leſlye yr of Barres.[2]

Invasion — Hurting and Wounding — Hamesucken.

Oct. 14.—MAISTER ARCHEBALD DOWGLASS, and Johne D. in the Eiſtſcheill, delatit of the crewall Hurting and Wounding of Jonet Wiſchert, ſpows to Maiſter Thomas Weddell, in hir rycht hand of twa fyngaris thairof: AND Hurting and Wounding of Elizabeth Hutcheſoune, ſpous to Charlis Burdeaulx, in hir rycht hand, ſpecialie in hir thowm thairof; committit be thame vndir ſilence of nycht vpoune the xvij day of July laſtbypaſt, be vay of Haimſuckin, in abſence of thair ſaid ſpowſlis; quhairthrow the ſaidis Jonett and Elizabeth wilbe mutilat; to the effuſioune of thair blude.

PRELOCUTOUR for the pannall, Maiſter Thomas Weſtoune.

The ſaid Maiſter Thomas (Weddell) producit THE QUENIS grace writing, and aſkit inſtrumentis thairupoun, deſyring juſtice conforme thairto: And alſe proteſtit for remeid of law.

[1] Expressed; Lat. *exprimere.* [2] The names of a number of others of less note were also handed over to the 'Thesaurar,' to levy the usual fines. These, as appears from *the Register of the Privy Seal,* and other Public Records, were very rigorously exacted. The proceeds were usually gifted to some retainer of the Court in compensation for salaries, &c.

(Regina,)

Justice, Justice Clerk, and ȝour deputtis, We greitt ȝou wele. Forſamekle as the xiiij day of October inſtant is aſſignit to Maiſter Archebald Dowglaſs and Johne Dowglaſs in þe Schelis ffor to vndirly owre law for þe crewale Invaſioun, Hurting, and Wounding of Jonet Wiſchert, ſpous to Mr Thomas Weddell, and Elizabeth Huchefoune, ſpous to Charlis Burdaux, within our burt[t] of Edinburt[t], as at mair lenthe is contenit in our Lettres direct þairupoune: Quhairfor it is our will, and we charge ȝow to proceed at þe ſaid day, and do juſtice to þe ſaidis complenaris, but ony delay, nochtwithſtanding ony Writing direct or to be direct in þe contrair. As ȝe will anſwer to ws þairupoune. Subſcrinit with our hand, At Ed[r] þe xiiij day of October, 1564. Maria Regina.

Proteſtis the ſad Mr Thomas Weddell, that nochtwithſtanding that *Thomas Johneſtoune* wes nocht ſummond in his Letteris, that he paſt fra his perſute. Stevin Storye in Pleſance was amerciated for not producing the ſame.—Continued to Oct. 16 and 17; on which laſt date they were Replegit, be Interlocutour, to the Regalitie of Dalkeyth be Thomas Dowglaſs, burges of Ed[r], and baillie thairof.'

Wounding — Scourging naked people with bridles, &c. — Cutting the backs of Cattle, &c.

Oct. 17.—Johnne Greirsoune of Halydayhill, Roger and Mathow[1] his brether, Gilbert M'Gub, and Thomas Mammarſoune, delatit of the Hurting and Wounding of Elizabeth Creychtoun, ſpous to Robert Chertouris of Aſtrowane, in diuerſe pairtis of hir body, to the greit effuſioune of hir blud; and ſtryking of thair ſeruandis, being nakit, with brydillis and ſwerdbeltis, and breking of the bakkis of thair gudis;[2] and vtheris crymes at lenth expremit in the Letteris direct thairupoune.

Prelocutouris for the Perſewaris.	Prelocutouris for the Pannall.
Jo. Creychtoun of Rybill, The Lard of Skraling,	The Lard of Keris, Mr Johne Moſcrope,
Mathow Campbell of Lowdoune, knycht,	Harbert Anderſoune, Cuthbert Greir,
The Lard of Frendraucht, W[m] Symontoune of Hardingtoune.	The Lard of Garleiſe.

The ſaid Mr Johne Moſcrope aſkit inſtrumentis, that the Tutour of Sancquhare producit our ſouerane ladeis Lettres in Jugement; and being inquyrit 'Gif he, Robert Chertouris, and his ſpous, perſewaris, wald byde at the executioune thairof? Affirmit the ſamin. Quhairupoune the ſaid Mr Johne aſkit inſtrumentis; and als that the ſaidis Lettres, ſafar as Mathow Greirſoune and Johne Moreſoune were contenit therein, was nocht dewlie execute nor indorſat vpone thame, becaus thai wer chargeit be the executour thairof be oppin proclamatioune at the Mercat-croce of the burcht of *Drumfreiſe*, and the ſaidis perſones ar indwellaris within the ſtewartrie of *Kirkudbrycht*, as the perſewaris thame ſelfis confeſſit. The ſaid Mr Johne deſyrit the firſt and laſt poyntis of the ſaidis Letteres to be red in preſens of the Aſſyiſe. *Item*, aſkit inſtrumentes

[1] 'Diſchargit.' [2] Live-stock, cattle.

that the ſaid Johne Greirſones accuſatioune ſuld be onlye vpone the *firſt* poynt thairof, and the ſaidis Roger Greirſoune, Gilbert M'Gub, and Thomas Mammarſoune vpone the *laſt*.

ASSISA.

Peter Dennum of Crechane, Gilt Roreſſoune in Kirkcudbright,
Nineane Cwnyngham of Craigneſtane,
Robert Menzeis of Auchinſell, Jo. Satlingtoune of Auchinſkeeche.

And becaus na nowmer of Aſſyiſe wes fundin, the Juſtice continewit this actioune to the xiiij day of Februar nixt to cum; and Cuthbert Greirſoune, Tutour of Larg, is plege for thair entré thairto.

ABSENTES, The Maiſter of Glenkardine (Glencairne,) Robert Kirkpatrick of Brakoch, John Edzare of Ingliſtoune, Andro Cwnynghame of Birkſchaw, and fifteen others, who were all amerciated for not entering on the Aſſiſe.

Slaughter of the Laird of Hassindene.

Oct. 21.—WILLIAME ELLOT of HORSLEHILL, Robert, Gawane[1] and Arche,[2] Williame Ellot, baſtard ſone to vmq^le Robert Ellot, James Scot, ſone to Walter Scot in Haſſindene, delatit of the Slauchter of vmq^le DAUID SCOT OF HASSINDENE; committit vpoun xviij day of October inſtant.

PERSEWARIS, The Lard of Balcleuche, (The Quenis Aduocattis.)

PRELOCUTOURIS for the Perſewaris.
The Gudman of Thirlſtane, Thos Scot of Edene,
Walter Scot of Edſchaw, Thos Scot of Hanyng,
The Gudman of Tuſchelaw.

PRELOCUTOURIS for the Pannall.
The Lard of McKerſtoune, W. Douglaſs of Cruik,
The zoung Lard of Edmiſtoune, Alex. McDowgall, of Steidrig, Mr George Dowglaſs.

My Lord Juſtice Clerk aſkit inſtrumentis, that the pannall aboue writtin deſyrit thair perſewaris to be putt vpone thair Aſſyiſe; becaus thai knew befor the tryell of the cryme thai wer delatit of: And proteſtit, that albeit the Juſtice depute, be awyiſe of his Aſſeſſouris, for the preſent tyme conſentit heirto, that the ſame in tyme cuming ſuld be na preparatiue.—VERDICT and SENTENCE. 'Fylit—Decollat.'[3]

Striking a pregnant Woman — Child-murder.

Nov. 29.—WILLIAME HARROTT in the Cannongait, delatit of the ſtrykiug and dinging with his handis and feit Katherine Hay, being greit with chyld; off the quhilkis ſtraikis ſcho tuke bed, and continuand in the pane and dolour thairof, pairtit with chyld; and ſwa wes crewalye ſlane be him in hir wamb.—Replegiated to the Regality of Halyrudehouſe.

Convocation — Invasion of the Laird of Camlarg, &c. in a Fenced Court of the Sheriff of Air.

Dec. 12.—BARNARD FERGUSSOUN OF KILKERAN,[4] Thomas[5] and

[1] 'Acquit.' See May 31, 1565, &c. [2] 'Puer—diſchargeit.' [3] Excepting in the case of Gawane and Arché. [4] For accounts of this and other similar Feuds, see HISTORY OF THE KENNEDIES, quarto, Edin. 1830. [5] Thomas Fergussoune and those marked * were discharged *simpliciter*.

David his brothers, and fifty-one others, delatit for Conuocatioune of our ſouerane ladeis lieges, vpone the laſt day of July laſtbypaſt, bodin in feir of weir, &c. to the nowmer of ane hundreth perſones, incontrair the tenour of the Actis of Parliament, and cuming within the Tolbooth of Air, quhair Robert Crawfurd of Clolynane, John Dunbar of Blantyre, and Robert Campbell of Ovirtoune, the Schereff deputtis of the ſcherefdome thairof wes ſittand in jugement, in ane ſenſit Court, for adminiſtration of juſtice; and thair, oppinlie, in plane face thairof, eftir injurious wordis betuix thame, crewalie invadit Johne Crawfurd of Camlarg, and vtheris being with him in cumpany, with drawin ſwerdis and ſtavis for thair ſlauchteris; and thairthrow trublit the ſaid Court, and ſtoppit the ſaidis Scheref deputis to miniſter juſtice in the actioun and cauſſis contenit in the Letteris criminall direct þairupoune, then depending before thaim.—The other pannels of note follow:—

Thomas Ferguſſoune in the Traif,
Hectour F. ſpous to Agnes Crawford,
Niniane F. his ſon,
William F. of Auchinſoule,*
Duncane F. of Glenbowar,
Walter Kennedy, ſone to Drumnellane,
G. Kennedy of Balmaclannochene,
Robert Blair, his houſhald man.*
Duncan Kennedye of Dalquharne,
Andro Graham, his houſhald man,
Wm. Cunynghame of Clonkard,
Dauid Kennedye, alias *the Page*,*
Johne Kennedye of Drumnellane,
Olipher and Robert, his ſons,
Gilbert K. of D., ȝounger,
Matho K., ſeruand to Jonet K.
Hew K., ſone to þe Gudman of Bogend,
Gilbert K., ſone to Sir Hew of Girwanmanis.

Gilbert Erle of Caſſillis amerciated for not entering Patrik Kennedye, younger of Dalgerrok, and ſeven others, to underly the law.—As Baillie of the Regality of Corſrawgall, he deſired to replegiate Thomas Ferguſſoune in the Traif.—Continued to 'Thuriſday nixt,' Dec. 14.

Prelocutouris for the pannell.—Mr Thomas McKelȝeane, Mr Johnne Moſcrope, James Muir, brother to the Laird of Auchindrane, Johne Schaw of Halye, The Lard of Keris, Williame Cwnynghame, ȝounger of Caprintoune.

(Dec. 14.)—The Justice, be Interlocutour, ordinit that the ſaid Thomas Ferguſſoune in Travis be nocht replegit to the ſaid Regalitye, becaus thair wes na writtis, actis, nor na vther reaſonabill caus proponit that the ſamin wes befoir ane Regalitie.—My Lord Caſſillis proteſtit that the Interlocutour pronunceit þairanent be nocht preiudiciall to his Regalitie foirſaid.

Assisa.

The Laird of Carnall,
Johne Cathcartof Carltoune,
The Lard of Entrekin,
George Corry of Kelwood,
George Keſſane,
Johne Montgomerye in the Flatt,
Johne Schaw of Grimmet,
Thomas Scot of Hanyng,
James Dunlope of þat Ilk,
Johne Blare of Myddil Auchindrane,
Williame Inglis of Scheill.

(Dec. 15.)—Verdict. The ſaidis Hectour, Thomas and Barnard Ferguſſoune Fylit of arte and parte of the Convocatioune, &c. Continued as to the reſt to the next Juſtice-aire of Air.

Assaulting in the Sheriff Court of Ayr, &c.

(Dec. 15.)—JOHNE CRAWFURD OF CAMLARG, David and Quintine his brothers, were 'FYLIT' by the above Affife for the fame crime.

PRELOCUTOURIS for the pannell,

The Lard of Kelwod, The Lard of Lefnoreife, Maifter Dauid Mcgill.

Fifty-four others were also charged; the most remarkable of whom were,

Will. Crawfurd of Drummifhoy, Dauid Craufurd of Kerfe, John Power of Siluerwod,
Dauid Crawfurd, his brother, Wm Cathcart of Drummifnoddane, George Logan of Brounhill,
Allane Cathcart of Drumgowane, Williame Cathcart of Wodheid, Adame Dunbar of Barcurroch,
Da. Cunynghame of Polquhirne, Al. Cwnynghame of Montounhill, Cuthbert Dunbar, his brother,
Williame C., his brother, Williame Cathkart of Watterheid, George Neifbet, in Tempelland.

The remainder of the pannel were remitted to the next Juftice-aire of Air.

Stealing Money—Scourging and Banishment.

Jan. 12, 1564-5.—PATRIK CAMPBELL, cuke and feruand to Dame Katherine Oliphant, Lady of Keltye, delatit of the theftuos breking of ane Bonetkaife, pertening to the faid Dame Katherine, being in hir chalmer on the Northe fyde of Edr, and theftuos Steling and conceling fra hir, furth thairof, of ffyftie pundis of Scottis TESTANIS, ane Portugal DUCAT, and xxti fchillingis of vthir money.—SENTENCE. To be SCOURGEIT throwch the Toune, and BANEIST the realme during THE QUENIS will; and to departe furth of the famin within ten dayis nixt heireftir; and never to returne within the famin, without fpeciale Licence of the Quenis Maieftie, vnder the pane of DEID.

Wounding a Bailie of Renfrew in Execution of his Office.

Mar. 5.—PATRIK JAKSOUNE, burges of Renfrew, and Sir Williame Jakfoune, his brother, FYLIT by an Affife of arte and parte of the Invading of Adame Hall, ane of the Baillies of Renfrew, with drawin fwerdis, and Hurting of him, to the effufioun of his blude, in his rycht hand, vpone the xix day of Nouember laftbypaft, within the burcht of Renfrew, he beand in executioun of his office of Baillie vpoune the faid Patrik, in putting of him in Ward within the Tolbuth of the faid Burcht, quhill[1] he had fundin lawborrowis that Johne Quhyte in Abbotifynche fuld be fkaithles of him, as law wald.

Wounding and Mutilation of the young Laird of Kincaid, and 'Malcum Kyncaid,' his Brother.

Mar.[2] .—JOHNE STRIULING OF CRAIGBERNARD, John his fone and apperand air, Duncane, Williame, and Walter, brothers german to the auld Lard, Williame, baftard brother to the 3oung Lard, and nineteen others, delatit

[1] Until. [2] The date is not prefixed, but it must have been between Mar. 8 and Mar. 13.

of the Invaſioune of James Kyncaid, ſon and apperand air to James Kyncaid of that Ilk, and Malcum Kyncaid his brother, within the Toune of Gleſgw; and Hurting and Wounding of the ſaid James in his heid, in perrel of his lyffe: And Hurting and Wounding of the ſaid Malcum in diuerſe pairtis of his body, and Mutilatioune of him of his left arme, and making him impotent thairof; vpoune auld ffeid and foirthocht fellonye; committit in the moneth of Februar 1563.—Deserted. Proteſtis Mr Johne Ruthirfuird, that the differting of this Court be nocht prejudicial to the Quenis actioune.

Selling Wines at high Prices.

Mar. 20.—James Young, cutlare, burges of Edr, and twenty-two others, delatit of breking of the Actis of Parliament anent Wynis, in felling thairof, &c. Their Cases were continued from time to time, and the offenders fined.

Adultery — Incest.

Apr. 6, 1565.—Maister Johnne Craig, Parſone of Kincardin, and Margaret Mowat, ſpous to Johne Craig of Craigisfyntray, delatit of the committing of the fylthie and horrible cryme of Adultery, ather of thame with vtheris,[1] ſen the moneth of December 1562, and nychtlie and continualie ſenſyne.

Prelocutouris for the pannale,
Mr Richert Strang, Mr Alex. Sym, Mr Thomas Bannatyne, Archebald Dempſtar, Mr Frances Chyne.

Aſkit inſtrumentis vpoune the productioune of the ſentence of Devorcement, of the dait the xviij day of November, 1562.—Continued to Monunday, the nynte of Apryle inſtant.

(Apr. 9.)—Comperit the ſaidis Mr Johne Craig, and Margaret his ſpous, and aſkit inſtrumentis, thay requyrit and deſyrit proces in the actioune aboue nemmit; and in caiſe the Juſtice wald continew the ſaid mater, that thai allutterlie[2] diſſaſſentit thairfra; proteſtand alwayis, that the continuatione thairof be na wyiſe prejudiciall to thair defenſſis now vſit, or to be vſit be thaim in ony tyme theireftir.—Continuit to Thuriſday, the xij of Apryle inſtant.

Maiſter Johne Craig, Perſoune of Kincardyne, and Margaret Mowet, allegit ſpouſe to Johne Craig of Craigisfintray, beand perſonalie in Jugement, and callit be vertew of our ſouerane ladeis letteris, purcheſt be Mr Johne Spens of Condy, and Mr Robert Creychtoune of Eliok, hir hienes Aduocattis, to vnderly the law for the Adultery committit be ather of thame with vtheris, in the moneth of November 1562 yeiris, and daylie, monethlie, and continuallie ſenſyne, the ſaid Margaret being the ſpous of the ſaid Johne Craig, and nocht laufulie devorceit; and as for Inſeſt, ſcho being the ſaid Mr Johnnis brother-ſonis[3] wyffe. It wes

[1] With each other. [2] Entirely, altogether. [3] Nephew's.

allegit be the ſaidis Mr Johne and Margaret, and their prelocutouris, that na proces aucht to be led in the ſaid Court of Juſticiarye aganis thame, be vertew of the ſaidis Letteris, for the ſaid allegit crymes of Adulterye and Inſeſt; becaus vpone the xviij day of November 1562, the ſaidis Margaret and Johne Craig, befoir the ſaid allegit Adultery and Inſeſt committit be the ſaidis Maiſter Johne and Margaret, ather of them with vtheris, libellit in the ſaidis Letteris, were lauchfully Devorceit and ſeparatit be Sentence irreuocabill, pronunceit and gevin be Mr Johne Ramſay, Miniſter of Abirdour, and Thomas Cryſteſoune, Miniſter of Gemrye, havand ſufficient Commiſſioune to gif the ſamin. And for verefeing of thair ſaid allegeance, produceit the ſaid Sentence, ſignatit[1] and ſubſcriuit in forme, as eftir followis.

SENTENCE OF DIVORCE, *proceeding on the ground of* IMPOTENCY.

TILL ALL AND SINDRY Profeſſouris of Goddis moiſt holie Goſpell and Ewangellis, quhome thir preſentis ſall to-cum, MAISTER JOHNE RAMSAY, Miniſter of Aberdour, and THOMAS CRYSTESOUNE, Miniſter of Gemrye, deſyrit peax, mercye, and grace, throw Jeſus Cryſt, our onlie Lord and Sauiour. FORSAMEKILL as it wes lamentablie exponit to ws be ane diſcrete woman, callit *Margaret Mowat*, dochter to Patrik Mowat of Buchquhellie, that ſcho maid ane Contract and Band of Mareage with ane callit *Johnne Craig*, ſone to vmq^le Thomas Craig in Cragiſtene, ȝit, nochtwithſtanding, the foirſaid *Johnne* accumpaneit nocht with þe ſaid *Margaret* be mvtuale cohabitatioune, like as in mareage is requyrit; be reaſoune the ſaid *Johnne* is knawin to be IMPOTENT, as ſcho allegit: And thairfor ſcho obtenit ane Summondis, directit be Adame Herrot vnto ws, to caus lauchfulie ſummond, warne, and charge the ſaid Jobne, perſonalie apprehendit, or at his Paroche Kirk, on Sounday, quhilk wes the fyfteint day of the moneth of Nouember, to compeir befoir ws in the Paroche Kirk of Gemrye, to heir and ſe cognitioune takin in the ſaid mater be ws, quho had the Commiſſioune for the tryell of the ſaid mater: And to heir and ſé cognitioune taikin, in ſic fort, that the ſaid *Johnne* ſuld be ſeparatit, pairtit, and devorceit fra the foirſaid *Margaret*, gif he wes knawin to be impotent frome his natiuitye, as ſaid is. FOR the tryell and teſtificatioune of the quhilk, ſum certane famous[2] and godlie Witneſis wer giffin to ws, in bill;[3] quha, being examinat be ws and ſworne, deponit, all be thair aithis, that the foirſaid Johnne wes IMPOTENT fra his natiuitye, and culd nocht accumpany with his pairtye, as is aſoir ſpecifeit, and as at mair lenth in the Letter of the Examinatioune of the ſaidis Witneſſes is contenit. THAIRFOR, we, havand reſpect to the endis and principale caus quhairfor mareage was inſtitute and ordanit, conforme to the trew and infallibill Word of God, quhilk wes þis, 'to awoyd fornicatioune and to the procreatioune of childrene:' And conſiderand the ſaid *Johnne*, quha is nowþer abill to ſatisfye and ſufficientlie content þe ſaid Margaret, nor na vþer womane, as wes ſufficientlie proven be ſufficient Witneſſis, vnſuſpect, as ſaid is, nowþer ȝit is abill to remane and accumpany with his ſaid ſpous be mvtuale cohabitatioune, as at mair lenth in our Summondis, to þe procreatioune of childrene, WE, the ſaidis Maiſter Johne Ramſay and Thomas Cryſteſoune, Miniſteris foirſaidis, with conſent of our Elderis, deaconis, and Miniſteris aſſemblit in the ſaid place for the tyme, hes pronunceit, decretit, and decernit, and be the tennour of thir preſentis, pronunceis, decretis, and decernis the ſaidis perſonis, *Johnne Craig* and *Margaret Mowatt*, to be SEPARATIT, PAIRTIT, and DEVORCEIT, and be the tennour of thir preſentis SEPARATIS, PAIRTIS, and DEVORCEIS the ſaidis perſones, ilk ane of thame, frome the Holie band of Mareage, from hencefurth diſſoluit, relaxit, and lowſit,[4] in ſic fort, as thocht the ſame had nevir bene eſtemit: AND becaus thair is nathing obiectit nor laid to the ſaid *Margaretis* charge, We pro-

[1] Signeted, sealed. [2] Persons of good fame or reputation. [3] Roll. [4] Loosed.

nunce hir to be fré to fanctifye hir body agane in to Mareage, gif[1] feho plefis. In witness to this our Decrete and Sentence irreuocabill, fubfcriuit with our handis, our fignettis is affixit heirunto, At Gemrye, the xviij day of this monethe of Nouember, the ȝeir of God I^m.V^c. lxij ȝeiris, afoir thir witneffis, Williame Keith in Myddiltoune, Johne Donaldfoune, Roberte Selpe.

Johne Donaldsoune, with my hand at the penne, led be Thomas Cristesoun, Minister of Gemrye, Witness,
Robert Selpe, w^t my hand at the pen, led be Thomas Cristesoune, Minister of Gemrye, Witness,
William Keyth, in Myddiltoune, w^t my hand.
Maister Johne Ramsay, Minister.
Ita est Thomas Cristesoune, Minister de Gemrye, sub meis signo et signeto in similibus et consuetis vsitat.

The Case was finally transmitted to the next Justice-aire of Aberdeen, but there is no marking on the Record to indicate the decision of the Justiciar.

Umbesetting the Way — Horse-stealing.

Apr. 28.—Mr James Birny, in Pitlurg, having failed to find caution to fulfil the Queen's Will, to which he had fubmitted himfelf, was Warded in the Tolbooth of Edinburgh, for art and part of Convocation of the lieges, 'bodin in feir of weir,' on Feb. 4 laft, and Umbefetting the way to Alexander Trowp, in his paffing along the highway near the Mill of Bedcarye, (he being lame and unable to refift,) along with John Smyth, his fervant, and there cruelly Invading them with lances and 'Jedburcht ftawis'[2] for their Slaughter: And alfo for Stouthreif and ftealing from the faid Alexander of his black horfe, worth 100l., upon which he then rode.—(Apr. 30.)—He found caution to fulfil the Queen's Will.

[*Archibald Earl of Argyll, Lord Campbell and Lorne, Juftice-General.*]

High Treason — Conspiracy to seize the Queen's person, &c.

[The following proceedings give a different view of this part of the life of the noted James Earl of Bothwell from that which has hitherto been related by Historians. Without at all entering upon so extensive a field of controversy, the Editor has merely to refer the reader to the labours of *Robertson, Hume, Laing, M'Crie,* and other modern writers, for their various statements of the facts which are reported to have occurred immediately before the Marriage of Mary Queen of Scots with Darnley. The subject will, it is hoped, be soon taken up by *Mr Tytler,* in the course of his historical work; where, from the masterly and accurate manner in which that learned and impartial author has already treated many of the most obscure and controverted points in the earlier history of Scotland, much light may be expected to be thrown upon the whole of this extremely entangled and intricate reign.

In reference to this remarkable individual, the Editor begs here to lay before the reader two very interesting extracts, which, after investigation, he procured from the Kirk Session Records of *the Parish of Canongate,* from whence, it may be remarked, several important historical events may be verified or illustrated. The story of Bothwell's first Marriage, and the subsequent cruel Divorce, May 7, 1567,[3] are already well known. This event is thus recorded in these Registers among the *Marriages,* under date, Feb. 24, 1565-6, 'James Erll Boduell—Jane Gordoun.' And in the

[1] If. [2] Staves. [3] See Account of this Divorce, in Appendix to *Robertson's* Hist. No. XX, &c.

Record of *Proclamations of Banns*, the same day, the following entry also occurs: 'JAMES ERLL BODUELL—JANE GORDOUNE,[1] ſiſter to þe ERLL OF HUNTLIE, 1, 2, 3.[2] Ma(rried) in our awen, (viz. Kirk of Canongate.)

These events are also fully treated of by *Knox*, *Buchanan*, *Lesly*, (in his Defence of Queen Mary,) *Melvil*, *Spotswood*, *Keith*, *Goodall*, *Tytler*, *Chalmers*, &c. The enquiring reader will also find much useful and important information in the Collections of State Papers, &c. by *Anderson*, *Haynes*, *Murdin*, and in the numerous Works of later Collectors.]

May 2.—JAMES EARL OF BOITHUILE, Lord Creychtoune and Halis, &c.[3] was denounced rebel and put to the horn, and all his moveable goods to be eſcheated, as fugitive from the law, &c.; and Gilbert Ker of Prymſyde-Loch, and William Hepburne of Gilmertoune, cautioners for his entry this day, were amerciated for his non-appearance to underly the law for the crimes contained in the following Letters, purchaſed by Mr John Spens of Condy and Robert Creychtoun of Eliok, the Queen's Advocates.

SUMMONS OF TREASON *againſt James Earl of Bothuile, &c.*

MARIE, be the grace of God, Quene of Scottis, To our louittis Adame M^c^culloch, Marſchemont Herauld, ... Meſſingeris, our Schereffis in that parte, coniunctlie and ſeueralie, ſpecialie conſtitute, greting. Forſamekill as it is huimlie menit and ſchewin to ws be our louittis, familiar clerkis and counſalouris, Maiſteris Johnne Spens of Condy and Robert Creychtoun of Eliok, our Aduocattis, THAT quhair it is of veritie, that upone the xxvj day of the monethe of Marche, or thairby, in the ȝeir of God I^m^V^c^lxij ȝeiris, JAMES ERLE BOTHWILE Lord Halis and Admirall of our realme, being laitlie reconciliat and agreit with JAMES ERLE OF ARRANE, vpone ſic debatis and contraverſeis as had happinnit amangis thame of-befoir, precogitat, conſauit, and conſpyrit the treaſonabill purpos and interpryiſe heireftir mentionat aganis our nobill perſoune, and did that wes in him to bring the ſamin to paſs, and to have perſuadit our ſaid couſing to have aſſiſtit and tane parte with him in his maiſt treaſonabill interpryiſe, vſand ſik wordis, argumentis, and perſuaſionis, as he thocht mycht beſt ſerue for the purpoiſe: THAT IS TO SAY, The ſaid JAMES ERLE BOITHWILE, the day foirſaid, proponit and earneſtlie deſyrit our ſaid couſing to conſert and aſſiſt to him in this maner, ſaying, 'I knaw ȝe haif innemies in Court

[1] This accomplished lady, who was the third daughter of George, *fourth* Earl of Huntly, Lord High Chancellor of Scotland, six years after the date of her divorce, was married (2dly) to Alexander Earl of Sutherland, on Dec. 13, 1573. The Earl having died, Dec. 6, 1594, she married (3dly) Alexander Ogilvy of Boyne, whom she also survived. She died May 14, 1629, in the 84th year of her age. For the particulars of the life of this Lady, see *Gordon's* Hist. of the Family of Sutherland. Sir Robert Gordon, the author of that work, as well as John, *twelfth* Earl of Sutherland, the Hon. Alexander, and the Hon. Adam Gordon, were her sons by her second marriage. Reference may also be made to *Wood's* Edit. of Douglas's Peerage, &c. [2] Viz. proclaimed for the first, second, and third times, according to the rules of the Church. [3] 'Williame Hebbron (*Hepburn*) of Gilmertoun' became surety for his entry this day, by an Act dated Mar. 6, 1564-5.

'þat ſtoppis 3ow of 3our deſyre at þe Quenis Ma^teis hand, quha will nevir 'ceiſe quhill[1] þai have deſtroyit 3ow and 3our faderis Houſe; bot and[2] 3e will 'vſe my counſale, I ſall fynd þe meyne to eſchew þe haill wrek þairof, and bring '3ow to 3our purpoiſe. And this way ſall we wirk. Howſone þe Quenis 'Maieſtie cumis vpone þe South ſyde of þe Watter of Forth, quhilk wilbe 'ſchortlie eftir Paſche,[3] we ſall prowyde and keip in cumpany ſamony freindis, 'ſeruandis, and parttakaris, as ſalbe abill, quhenne hir Matie is at þe Hunting 'vpone þe feildis, or vþerwayis paſſand hir time mirralie, to execute þis pur-'poiſe: That is to ſay, We ſall cutt in pecis ſamony of hir counſalouris, ſer-'uandis, or vþeris þat will mak ws reſiſtance, and ſall tak hir ſelf with us cap-'tiue, and haif hir to þe Castell of Dumbertane, and þair keip hir ſurelie, 'or vþirwyiſe demayne hir perſoun at 3our pleſour, quhill ſcho aggré to quhat-'ſumeuir thing 3e ſall deſyre!—Saying alſo, 'This thing is maiſt eaſie to be 'done, quhenne hir Matie ſalbe drawin furth of þe Palice of Halyrude-'house to pas hir tyme vpoune þe feildis, in quiet maner: And gif 3e tak ony 'feir to execute this interpryiſe, be reaſoune of þe haſard or difficultye þairof, '3e ſall onlye bot ſtand and behald me put all thingis foirſaid to executioun; 'and I ſall quiklie execute and performe the premiſſis!' And ſwa the ſaid Erle Boithwile treaſonablie preconſauit, precogitat, and proponit the deathe, at the leiſt the captiuité, empreſoning, away-taking, and withhalding of our perſoune, aganis our will; and als ſoliſtit, tyiſtit,[4] and did that wes in him to have maid our ſaid couſing aſſiſter and parte-takare thairintill, had nocht bene the grace of God, quhilk of his infinit piete, luſe, and favour that he hes to the conſeruatioune of our perſoune and Commoun-wele of our cuntré, wald nocht ſuffir the ſaid maiſt treaſonabill interpryiſe to tak effect; bot rather movit the hert of the ſaid James Erle of Errane, our couſing, incontinent thaireftir to cum and revele the ſamin to ws, for the tyme being in Falkland. And it is of veritie alſo, that the foirſaidis Erlis of Arrane and Boithwile, in the beginning of the moneth of Apryle nixt thaireftir, being baith perſonalie conſtitute befoir ws and the Lordis of our Secrete Counſale, the ſaid Erle of Arrane, our couſing, declarit the haill purpoiſe foirſaid, and awowit the ſame vpone the ſaid Erle Boithwile: And eftir that he had maid fayth with ane ſolempnit[5] aithe, that his allegeance wes trew, he offerit to preve the ſamin vpone the ſaid Erle Boithwile be quhatſumeuir maner it ſuld ſeme expedient to ws and Lordis of our Secrete Counſale to appoynt. And becaus the ſaid Erle Boithwile maid him to deny[6] the ſamin, it wes nocht thocht expedient be ws and Lordis of our Secrete Counſale, and als be the erniſt deſyre of baith the pairteis, that baith thair perſones ſuld be committit to ward in ſure keping within our

[1] Until. [2] But if. [3] Easter. [4] Enticed. [5] Solemn. [6] Denied.

CASTELL OF EDINBURGHE, and thair commandit to remane quhill we and our Counſall foirſaid had be all lauchfull meanis inquirit and maid ſure tryall of the veritie of the premiſſes. AND IT IS OF VERITIE, alſo, that with all poſſible diligence thaireftir, baithe the ſaidis ERLIS wer conſtitute and put IN WARD within our Caſtell foirſaid, thair to have remanit as ſaid is; and in the meyne tyme quhen diligent inquiſitioun was makand to have done juſtice in the ſaid mater, the ſaid ERLE BOITHWILE, as ſaid is, being delatit of Treaſoune and conſtitute in Ward, to haif bene anſuerable thairfor according to the lawis of our realme, he, knawing him ſelf maiſt giltye, and his conſcience bering record aganis him, vpoune the laſt day of Auguſt nixt thaireftir, treaſonable and contempnandlie brak his Ward and preſoune of our Caſtell of Edinburghe foirſaid, and departit furth of the ſamin to his libertie, eſchapand tharby the pvneiſchement that was dew vnto him for the crymes of Leſe-maieſtie foirſaid, and thairthrow hes declarit him culpabill and accuſabill of the foirſaid treaſonabill CONSPIRACIE that he wes of before dilatit and accuſit of: AND als, he being, as ſaid is, conſtitute in Ward and vnder the ſuſpitioune and accuſatioune of cryme of Leſe-maieſtie, nocht abyding the lauchfull tryell thairof, bot breking his Ward in maner foirſaid, hes committit plane and manifeſt Treaſoune, to his awin grete infamye and ſchame, and in hie contemptioune of ws, gevand occaſioune to vtheris to commit the like horribill crymes, gif this remane vnpvneiſt.

PROTESTATION *by Alexander Hepburn of Quhitſum againſt Sentence of Fugitation and Outlawry being pronounced againſt the Earl of Bothwell.*

THE ſamin day, comperit in jugement of the ſaid Juſtice Court, befoir the geving of the ſaid Dwme, ALEXANDER HEBBURNE *of Quhitſum*, and gave in this PROTESTATIOUNE, in writt, ſubſcriuit with his hand, and deſyrit the ſame to be regiſtrat; quhairof the tennour followis.

I, ALEXANDER HEBBURNE OF QUHITSUM, ſeruand and kynniſman to JAMES ERLE BOITHWILL, my Cheif, PROTESTIS ſolempnitlie in his name, that ſen þe ſaid Erle is allegit ſummond to this day to compeir befoir our ſouerane ladeis Juſtice, and to vnderly hir hienes lawes for certane allegit crymes of Treaſoune and Leſe-maieſtie contenit in the Summondis direct thairupoun: And nochtwithſtanding his innocence and mynd and will to have þe tryell þairof, dar nocht compeir, for feir of his lyffe at this tyme and place, be reaſoune of the grete conventioune of his innemeis and vnfreindis within this burt at this tyme, quhome he feris to attempt his Slauchter and deſtructioune be way of dethe, and quha hes declaret þaim ſelfis innemeis to him laitlie of befoir; that his non-comperance be nocht haldin nor reput as fugityve fra our ſaid ſoueran ladeis lawis, rebell nor culpabill of the ſaidis crymes, be reaſoune that he dar nocht compeir for juſt feir and dreadour that mycht fall (happen) in ane conſtant manne; as well apperis be the grete gathering maid at this tyme in þe contrair, of þe cauſing of his innemeis and vnfreindis, þat ſuittis his lyffe and diſtructioune vniuſtlie; bot that he may be haid beireftir, at tyme and place ſure and convenient, and the cauſis of the ſaid feir ceiſand, to offir him ſelff to ane Aſſyiſe for the ſaidis allegit crymes, and byde the tryell þairof. AND ſiclik, Proteſtis, that quhateuir be done and procedit agains the ſaid ERLE, this day, be nocht preiudiciale to

him, his fame, lyff, landis, honour nor gudis, for the cauſis foirſadis; And deſyris this my Proteſtatioune to be inſert in the Bukis of Adiornale, and for the extract þairof, vpoune my expenſſis.

Alexr. Hebburne of Quhitsum.

And in likwyſe the ſaid Maiſter Johne Spens of Condy, Aduocat to our ſoueran lady and perſewer of the ſaid actioune, in hir name Proteſtit in the contrair, as eftir followis.

Protestation *of the Queen's Advocate, 'in the contrair.'*—Comperit Maiſter John Spens of Condy, Aduocat to our ſouerane lady, and allegit þat þe ſaid Erle culd pretend na juſt caus of his abſence, nor juſt feir þat mycht fall in ane conſtant manne; ſpecialie, be reaſoun þat he is perſewit be the ordour of juſtice; and þat feir þat he hes of juſtice to be doune is nocht juſt feir of the law; And thairfoir, can nocht be excuſit, bot manne be haldin fugityve fra our ſoueran ladeis lawis; namelie, conſidering þair wes na conventioune of his vnfreindis þair, bot þe Juſtice and Memberis of Court, ſittand with his Aſſeſſours, in quyet maner. And þairfor, Proteſtis þat he be haldin as culpabill of the crymes contenit in the Letteris, and that he may incur all vþeris panis, quhilk towart our ſoueran lady, of hir lawis and practik of the realme, he may incur.

Wasting Lord Elphinston's goods, &c. — Adultery.

May 4.—Alexander Drummond of Medope, of the thifteous deſtructioune, ſteling, intrometting, waſting, diſponing, and conceling from Robert Lord Elphinſtoune, in the moneth of December, or thairby, the ȝeir of God I^{m}V^{c}lxij ȝeiris, and monethlie, ȝeirlie, and continualie ſenſyne, his gudis, geir, and money, in grete quantitie, extending above the ſowme of twentie thowſand pundis; throw the occaſioun of the Adultery committit be him with Margaret Drummond, ſpoys to the ſaid Lord, at the tyme foirſaid. The ſaid Alexander aſkit inſtrumentis that he diſſaſſentit frome the continuatioune, and deſyrit juſtice, conforme to the Queen's grace writting; and ſiclik, aſkit inſtrumentis, that the Lord Elphinſtoune purgeit him of all thiftuous dedis ſpecifeit in the Letteris.—Continued to the Juſtice-aire of Linlythgow, Robert Lord Elphinſtoune having become ſurety for his entry.

Convocation — Invading the Commendator of Ardchattan.

May 5.—Robert Innes of Inuermerkie, delatit off Conuocatioune of our ſouerane ladeis liegis, to the nowmer of iij^{c} perſones, bodin in feir of weir; cumand to the Manys of Plewlandis, and Invaſioune of Johne Commendatour of Ardchattan, for his Slauchter and vtheris crymes. Alexander Innes of Crombye become ſurety for his entry at the next Aire of Elgyne and Fores.

Mutilation of the Laird of Borg.

May 9.—George Lord Seytoune, and John Seytoune of Cawraldſtoune, his brother, James S., ſon of vmq^{le} John S., of Lathriſk, Alexander S., brother of Walter S. of Tullebody, and George S., in Tranent, were denounced

Rebels, and put to the horn, and all their movables ordained to be efcheated; and Hugh, Earl of Eglintoune, and Walter Seytoune of Tullebody, were amerciated for their not entering the faid perfons to underly the law for art and part of the Mutilation of Francis Dowglas of Borg of his right arm and left hand, at leaft of the middle finger therof; thereby rendering him impotent of the fame.

Slaughter of the Laird of Hassindene.

May 31.—GAWANE ELLOT OF HORSLEHILL,[1] William Ellot of Lameftone, and Williame Ellot, callit *Gawenis Willie*, of Fallinefche, continued to third day of the next Aire of Roxburghe.[2] James Dowglas of Cawerfe, and William Dowglafs of the Cruke, were amerciated for not entering the faid William of Lameftane and Gawenis Willie, who were denounced rebels, &c.—(Dec. 4.) Robert Zoung, feruand to the Lard of Pharneherft, comperit in jugement, and producit this writing eftir following, defyrand the famin to be infert in the Buke of Adjornale, and proteftit he mycht have the extract heirof, autentiklie; quhairof the tennour followis:—

REX ET REGINA,

WE vnderftand þat our louit Williame Ellot of Horflichill wes BANISCHIT of our realme for þe arte and parte of þe Slaughter of vmq^le^ Dauid Scot of Haffindene, for his lyvetyme; and ffand fouerteis þairfor: Nochtwithftanding ye quhilk, WE, for diuerfe cauffis and confiderations moving ws, be þe tennour heirof, gevis and grantis LICENCE to þe faid William to refort and cum hame agane within our realme, and to remane thairintill as our fré liege, in tyme cuming, nochtwithftanding þe faid Banifchement: And will and grantis þat he nor his fouirteis fall nocht be callit, fummond, nor accufit þairfor, nor incur ony danger or fkaith þairthrow, in his perfoun, landis, or gudis; nochtwithftanding ony Actis or ftatutes, maid, or to be maid, in the contrair; anent þe quhilkis we difpenfe be þir prefentis: Difcharging heirfor our Juftice, Juftice Clerk, Aduocattis, and all vþeris Jugeis within our realme, of all calling, perfewing, trubling, or intrometting with the faid Williame, his fouerteis, þair landis or gudis, for his returning and remaining at hame, within our realme, as faid is, and of þair offices in that parte, for euir, be þir prefentis. Subfcriuit with our hand, AT ED^R^. þe xxiiij day of September, the 3eir of God I^m^.V^c^.lxv 3eiris. MARIA R. HENRY R.[3]

Treasonable Intercommuning with the Duke of Chattellarault and other Rebels—Taking wages to serve against the Queen, &c.

Oct. 26.—ALEXANDER MONCREIF, fon to Williame Moncreif of THAT ILK, JAMS ROSS, and DUNCANE ROBERTSOUN, feruand to the faid Alexander, dilatit off arte and part of the treafonabill and vnlawfull fupplé, affiftance, intercommoning with James Duke of Chattellarault, James Erle of Murray, Alexander Erle of Glencarne, Andro Erle of Rothes, Andro Lord Stewart of Vchiltrie, Gawin Commendator of Kilwynning, James Kirkcaldy of the Grange, Maif-

[1] See Oct 21, 1564. [2] John Somervile of Brounhill became his surety. [3] See some interesting particulars as to the Marriage of MARY QUEEN OF SCOTS and DARNLEY, in the Notice, I * pp. 478 and 488, &c.

ter James Haliburtoun, Proueſt of Dundé, and vtheris, our ſoueranis lordis and ladeis Rebellis, and being denunceit thair ennemeis, and at thair horne, for thair wilfull and manifeſt contemptioune & diſſobedience in non-compering at ane certane day, to anſuer to ſic thingis as ſuld be laid to thair charge: And this wes done and committit vpone the xij, xiij, xiiij, xv, xvj, and all the dayis of this inſtant moneth, quhill[1] Sounday, the xxij day of the ſamin: AND for arte and parte with thaim in thair wikkit and rebellious dedis. *To the taikinne,*[2] the ſame wes CONFESSIT be thaim, in preſens of the Lordis of Counſale. ITEM, for arte and parte of the vnlawfull putting of thame ſelf in armes, as raiſit Men of Weir aganis our ſoueranis and thair auctorite, in wageis, vnder WILLIAME MONCREIF OF THAT ILK, ȝOUNGER, and JAMES KIRKCALDY OF THE GRANGE, without owther command or Licence of our ſaidis ſoueranis; taking wageis to ſerue thame aganis our ſoueranis, thair realme and faithfull ſubiectis; expres aganis the lawis of the realme, and incurrand the panis contenit thairintill: And this wes committit be thaim the tyme foirſaid: *To the taikinne,* thai paſt to Ingland vpoune the xv day of this inſtant, and thair remanit with the ſaidis Rebellis and thair Capitanis, in armes, quhill the xxij of this inſtant, that thai wer takin reid-hand:[3] And in ſpeciale, the ſaid Alexander gat xx lib. for his monethis wages, and the ſaid James x l.; and gaif fayth thairfor they ſuld ſerue as thai wer commandit be the ſaidis Capitanes.

VERDICT. The Aſſiſe FYLIT the ſaid ALEXANDER and JAMES of the whole points, and the ſaid DUNCAN of the firſt point of the Dittay.—SENTENCE. The ſaidis ALEXANDER MONCREIF and JAMES ROSS to be HEDIT and QUARTERIT: And the executioue delayit at the KING and QUEINE'S Grace commandement.[4] The ſaid Duncan Robertſoune to be SCURGEIT throuch this Toune of Ed^r^, without forther pvneiſment in his perſoune or gudis.

Treasonably abiding from the Raid of Stirling.

Oct. 26.—RICHARD BLYTH, burgeſs of Dundee, found ſurety to underly the law at the next Aire of Forfar, for treaſonably abiding from the Army ordained to meet at Stirling, in Auguſt laſt.

Slaughter — Borderers received as Cautioners.

Nov. 7.—GILBERT LAUDER, in Quhitſlaid, delatit of the Slauchter of vmq^le^ George Wedderat (burgeſs of Lauder, vpon the ſaid George's lands and croft, lying near the Water of the ſaid burgh); committed vpoune the xxviij

[1] Until. [2] In *token* or teſtimony whereof. [3] *Red-hand,* in the fact. [4] They were in the meantime ordered to be strictly WARDED in the Caſtle of Edinburgh.

day of September laſt by paſt (upon old ffeud, certain purpose, and forethought felony.)

PERSEWARIS. Andro Wedderat, faſer-broſer; The auld Lard of Coldinknowis.

PRELOCUTOURIS for the ſaid Gilbert, The Maiſter of Borthwik; The Lard of Pharnihertſt; Mr Johne Moſcrope, Walter Ker of Dolphingtoune; The Lard of Lawder.

PRELOCUTOURIS for the purſuaris, The Lard of Coldinknollis; The Lard of Sesfurd; The Lard of Inuerwik; Thomas Ker of Merſingtoune; Andrew Ker of Fawdounſyde.

The ſaid Lard of Coldinknowis aſkit inſtrumentis that the ſaid Lard of Lawder would perſew in this caus; and siclik, that the Juſtice reſſavit BORDOURARIS as ſouerteis for the ſaid Gilbert, Proteſtand, that gif the lik caus wes to be intentit or perſewit before them, that ſiclik ſouerteis may be reſſavit to that effect. The Aduocattis aſkit inſtrumentis of the dait of the Reſpett producit, quhilk wes at Ed[r] the ſecund of Nouember 1565; and that the ſame frae the ſaid dait to the feiſt of Michalmas theireſtir[1] ſuld onlie indure.

Having pleaded his Reſpite, he found Sir Thomas Ker of Pharnihertſt, Kn[t]. and Walter Ker of Dolphingtoune, to ſatisfy the parties.

Slaughter of the Earl of Bothwell's servant—Jurisdiction of the Lords of Session.

Dec. 7.—ALEXANDER and OLIPHER SINCLAIR, brothers of William Sinclair of Hirdmanſtoune, were denounced Rebels, and put to the horn, &c.; and the ſaid William was unlawed, as their ſurety, for their not underlying the law, for art and part of the cruel Slaughter of Walter Murray, ſervant of James Earl of Bothuile, Lord Creychtoune, and Halis, &c.; committed Aug. 25. laſt, on old ffeud, certaine purpoſe, proviſion, and forethought felony.

Dec. 8.—WILLIAM SINCLAIR OF HIRDMANSTOUN, Johnne Prett, Mathew S. in Mylnetoune, Alex. S. in Saltoune, Johnne Hog, and Robert Fyffe, alſo dilatit of the Slauchter of vmq[le] Walter Murray.

PERSEWARIS, Adame and Williame Murrayis, brothers to vmq[le] Walter.

PRELOCUTOURIS for the pannall, My Lord Borthuik; Mr Tho. M[c]calȝeane; The Lard of Wauchtoune; The Lard of Trabroune; The Lard of Butterdene; The Gudman of Broxmouth.

PRELOCUTOURIS for the perſewaris, The Comptroller;[2] The Lard of Traquair; The Gudman of Hangitſchaw; The Lard of Coldinknowes; Adam Wauchope of Caikmuir.

Allegis the prelocutouris for the pannale, that na proces aucht to be led aganis thaim this day; becaus, of [3] the law, the ſamin is haldin and aucht to be obſeruit—and that LORDIS OF SESSIOUNE ſittis nocht, and ſpecialie in this caus, being Criminale. And the Aduocattis allegit in the contrair, in reſpect of the Alteratioune of Religioune. The Aduocat aſkit inſtrumentis vpoune the propoſitioune of this allegeance be Mr Thomas M[c]calȝeane.

[1] Sept. 29. [2] Sir William Murray of Tullibardine. [3] By, or according to the Law.

THE JUGE, nochtwithſtanding this allegeance, fyndis that he may proceid. The Aſſeſſouris and Lordis at pronunceing heirof, were my Lord Atholl, the Erle of Huntlie, the Secretar, the Juſtice Clerk, the Erle of Mortonne.

The prelocutouris foirſaid proteſtit for remeid;[1] and aſkit inſtrumentis that the prelocutouris for the perſewaris declarit thai wald inſiſt to the perſute of this caus: And that the Erle Boithuile declarit he culd nawyiſe inſiſt to the defence of the Lard of Hirdmanſtoune in this mater, be resoune the ſamin is his awin caus, and that his ſeruand is ſlane; and ȝit, be reaſoune of the commoning betuix him and the ſaid Lard, he will nocht preſentlie perſew him his ſelf.—Continued.

(Dec. 20.)—The perſewaris aſkit inſtrumentis that the interlocutour wes gevin that thai ſuld have jugement of their peris.[2]

ASSISA.

The Lard of Dalmahoy,
William Weche of Dawik,
William Newtonne of that Ilk,
Johne Lindſay of Cobingtoune,
D.[3] Elphingſtoune of Hinderſtoune,
Ja[s]. Stevinſoune of Hirdmanſchel,
James Lethmonth of the Craig,
George Tait of Pirne,
Geo. Haliburtoune of Walſtruther,
Jo. Aitoun, burges of Haddingtoune,
The Lard of Johneſtoune,
The Lard of M'Kerſtoune,
- - - Paterſoun of Caverhill.

The pannell aſkit inſtrumentis that they renunce any fauour of this Writting producit, deſyring na delay of proces; and makes fayth, (that) thai nor nane in thair names wes purcheſſaris thairof. My Lord Justice Clerk aſkit inſtrumentis, that the persewaris and defendaris deſyrit baith proceſs, nochtwithſtanding THE KING and QUEIN'S grace Wrytting producit; and thairfor proteſtis, in my Lord Juſtice Principale, his awin and the Aſſeſſouris names, that na fault be imput to thaim, ſeeing thai are willing to obey the ſamin. The ſaid Mr Thomas proteſtit, that albeit the perſones foirſaid be admitted and ſworn to pas vpon their Aſſyiſe, that ſamony thairof as ar Gentilmen be haldin for na Barronis.

VERDICT. 'Acquit the haill.'

Mutilation—'Umbesetting of the Hie-gait'—'Brigancye.'

Dec. 11.—ROBERT BROUN, maltman, FYLIT of the Hurting and Wounding of Archibald Blakwod in his rycht arme; and Mutilatioun of his myd-fynger of his rycht hand, be Vmbeſetting of his Hie-gaitt betuix Leyth and Edinburgh;[4] committed vpoun ſuddantie, vpoune the ſext of December inſtant: And ACQUITTIS him of the lying at wait, be way of Brigancye, &c. and Spoliatioune of his cloik.—SENTENCE. To be putt in Ward within the Tolbuith of Ed[r]. The Aſſyiſe aſkit inſtrumentis that the perseware diſaſſentit fra the perſute of Mutilatioune for this time.

[1] Redress. [2] Peers, equals in rank. [3] Dynneise, *Dionesius*. [4] Many similar Cases occur in the Criminal Records at various periods; some of them are mere Highway robberies, whilst, on the other hand, a large proportion of them evidently arose either from private feuds between the parties, or the mere love of mischief and adventure.

Slaughter of the Laird of Colpna.

Oct. 12.—ALEXANDER LYOUN and Mairiore Vrquhard, his ſpous, ACQUITTED by an Aſſiſe of the Slaughter of John Wod.

PERSEWARIS, Alexander and Gilbert Woddis, breþer to þe ſaid vmq^le John.

PRELOCUTOURIS for the perſewaris.
My Lord Ogilvy, the Lard of Bonyngtoune,
The Perſoune of Wretoun, The Lard of Many,
Sir Hew Kennedye.

PRELOCUTOURIS for the pannall.
Mr Edmond Hay, My Lord Boithwile,
George Wiſchert, Dauid Lyoune,
Matho Hepburne.

The ſaid Mariorye producit in Jugement ane Act of Court of the Sherifdome of Abirdene, vnder ſigne and ſubſcriptioune of Williame Bruce, Notar and Clerk of the ſaid Court, berand the contentis of ane Diſcharge ſubſcriuit be our ſouerane lord and lady, that the Shereff and his Deputtis ſuld nawyiſe proceid vpoune the ſaid Mariorye in calling of hir to vndirly the law for the cryme foirſaid; in reſpect quhairof, ſche allegit that na proces ſuld be led agains her in this Court.

ASSISA.

William Gordoun of Sauchquhyn,
Robert Fowlis of Ochtertowle,
Alex. Tulledaff of Ranneſtoune,
William Cheyne of Arnage,
Thomas Chalmer of Tulykerye,
Johne Blakhall, in Tippertie,
Patrik Cheyne of Eſſilmonthe,
James Forbes, in Kildrymmie,
Alex. Gordoune of Abirȝeldy,
James Gordoune of Crechye,
William Chalmer of Fedderauch,
Alexander Jeffrey, in Culter,
Alex. Burnet of Leyis, ȝounger,
James Pantoune of Tullemaid,
William Raithe, in Eſſilmonthe.

ACT of the Sheriff Court of Aberdeenshire.

CURIA Vicecomitatus de Abirdene, tent. in Pretorio ejuſdem, decimo die menſis Septembris, anno Domini 1565, *per Georgeum Biſſet, Vicecomitem deputatum dicti vicecomitatus, pro Tribunali seden.: Sectis vocatis et Curia legitime affirmata.*

The quhilk day, Mairiorye *alias* Margaret Vrquhard, ſpous to Alexander Lyoune, burges of Abirdene, being preſentit in jugement to have bidden þe law for allegit art and pairt of þe crewale Slauchter of vmq^le Johne Wod of Colpna, comperit Andro Lard, meſſinger, Shiref in þat pairt, with ane Letter vnder þe ſubſcriptiounis and ſignet of our ſouerannis KING and QUEEN of Scotland, dated at Striueling þe ſevent day of September inſtant, and of þair regnis þe firſt and xxiij ȝeris; and inhebeit, be virtew þairof, þe ſaid Schiref deput and all vþeris of ony proceding contrare þe ſaid Margret alias Mariorye, for þe allegit cryme aboue written, vnto þe thrid day of þe Aire to be haldin within Ed^r; as in þe ſaidis Letteris, at mair lenth, is contenit. Quhilkis Letteris þe ſaid Schiref deput inſtantlie obeyit; and Gilbert Menȝies of Couly, burges of Abirdene, become cautioner and ſouertie to enter þe ſaid Mariorye *alias* Margret, the ſaid thrid day of þe Aire, eftir þe forme and tennour of the ſaidis Letteris, vnder þe pænis contenit in þe ſamin: And þe ſaid Alexander Lyoune become obleiſt faythfulie to releif him of þe ſamin. Quhairupoun þe ſaid Andro (Laird) and Mariorye Vrquhart and Gilbert Menȝeis *hinc inde* deſyrit Act of Court and inſtrumentis.

EXTRACT. De libro Curie Vicecomitatus Aberdonenſis, per me ſcriba ejuſdem ſubſcript. ITA EST Wm^s BRUCE, Nor^ius pub^us et ſcriba dictæ Curiæ, pro tempore, ad hoc, ſua manu.

Abiding from the last Raid of Stirling.

Jan. 2, (1565-6.)—THOMAS HUNTER, in Eiſter Bengour, delatit of the treaſonabil remaning and byding at hame fra our ſoueraneis Oiſt and Raid, or-

danit to convene at Striuiling, the laſt of September laſtbipaſt, incontrair the tennour of the Proclamatioune maid thairupoune.

PRELOCUTOURIS for the pannale.

John Aikenheid; Mr Thomas Mᶜcalȝean; The Lard of Bynning, Mr Johne Henderſoune of Bengoure; Robert Hammiltoune of Inchemauchan.

Allegis Mr Thomas Mᶜcalȝane, that he ſuld nocht be putt to þe knawledge of ane Aſſyiſe for byding frae the Raid proclamit to the laſt day of September laſt bipaſt, &c., nochtwithſtanding his nocht being thairat, becaus all ſic chargeis to cum to Raidis hes ane ciuile vnderſtanding; ſwa that thai extend nocht to all maner of perſons, ſic as pure folkis and vnhabill perſonis: And it is of veritye, that the ſaid Thomas is ane pure fermorare, havand onlye aucht oxingang of land of Bengour, pleneiſt with his maiſteris gudis[1], ffor the quhilk he payis xl bollis wittuale, viz. meill and malt; thairfor wes nocht ſubiect, &c. And attour,[2] allegit that the ſaid Thomas wes vnhabill in his perſoun to ſerue in weirfare, be reaſoune that he at Beltane[3] laſt-wes, or ſchortlie thaireſtir, havand four horſe ſtollin frae him latlie of before, being in Edʳ for ſerſing[4] and trying of the ſamin in the hous of Eduard Kinkaid beſyde the Weſt Port, fell our the bakſyde of the tournepyke[5] thairof vpoune his bak; quhairthrow he wes ſo menȝeit,[6] that he was vnhabel for weirfare, or ony ſic travell ſeruand thairto; as is wele knawin, and ſal be verefeit quhen neid beis. And attour, his maiſter, Mr John Henderſoune, laird of the ſaidis landis, takand ordour for ſetting out of his ſeruandes to the ſaid Raid, within the tyme of the ſaid Proclamatioune, vnderſtanding the ſaid Thomas inhabilitie that he wes bot ane puire fermorare, cawſit him furneiſe ane habill man, callit Thomas Craw; quhilk Thomas past to the ſaid Raid, and kepit the Proclamatioune foirſaid. In reſpect of the quhilkis, he ſuld nocht incur the panis contenit thairin, nor paſs to the knawlege of aue Aſſyiſe; becauſe he offerris him to preif this allegeance, nocht onlie be Johne Mowbray, Parſone of Inchmauchau, Miniſter of his Paroche Kirk, heir preſent, bot als be vther famous[7] perſons that knawis the veritye heirof: And denyis nocht his being abſent, be the occaſioune foirſaid; and becaus it wes practiket[8] in ſiclik caiſſi to the Lard of Dalhouſſy, and according to equitye and conſcience.—The Aduocat[9] anſueris, that in caiſe this allegeance were of veritye, the ſamin aucht to paſs ane Aſſyſe, na vther probatioune aucht to paſs heirupoune; and that thair is na ſic practic vſit in ſic caiſſis, as is allegit.

THE JUSTICE Repellis the allegeances, and ordanis the matter to paſs to ane Aſſyiſe.—Continewis to the morne.

[1] Viz. a 'Steil-bow tenant.' [2] Moreover. [3] May-day, O. S. For notices of the Superſtitions formerly practiſed, by kindling fires, &c. See *Dr Jamieſon's Dict.* &c. [4] Searching, inveſtigating. [5] A circular, or rather *ſpiral* ſtaircaſe, is ſtill termed a *turnpike* ſtair, in Edinburgh, and ſome other parts in Scotland. [6] Maimed, mangled. [7] Persons of good fame and reputation. [8] A decided point, or *practique*. [9] Mr John Spens of Condy, Queen's Advocate.

(Jan. 3.)—DISSERT,[1] becaus James Striuiling, Donatour to the Gift of his Eſchete, is with him aggreit and ſatisfeit.

Abiding from the last Raid of Stirling.

Jan. 3.—ANDRO BALLINGALL, in Drumbarro, dilatit of the remaning fra the Raid ordanit to convene at Striuiling, the laſt of September laſtbypaſt. —My Lord of Fliſk,[2] allegeand him to haif ſpeciall command of THE KINGIS Maieſtie to the effect vndirwrittin, commanding the Juſtice depute and Clerks of Juſticiarie preſent to continew the actioune of Andro Ballingall quhill[3] the morne.—My Lord Lindeſay allegit, that it was THE KINGIS grace and pleſour that the ſaid puir man had juſtice, without delay or continewatioune; like as he ſuld verefy; and thairupoun aſkit inſtrumentis.—Continued 'to the morne.'

PERSEWARIS,

Mr Johne Spens; Alexander Balfour, Donatour;[4] Mr James Balfour, Parſon of Fliſk, aſſiſter.

PRELOCUTOURIS for the pannell, The Lord Lindſay, Mr Richert Strang, Mr Thomas Scot.

(Jan. 4.)—Allegit Mr Richert Strang, prelocutour for the pannell, that the Summondis is nocht relevant, nocht contenand ony relevant caus to infer the concluſioune, nor to infer the defendar, expreſſlie being ane purelye man, nader wes comprehendit vnder the Proclamatioune, in reſpect that ſumtyme Proclamatiounis ar maid vpoune Barrones, ſumtyme vpoune all ſubiectis; nor ȝit contenis the narratiue of the Summondis ony pane ſpecifeit in the ſaid Proclamatioune: And in cauſis Criminell, lybellis aucht to be maiſt cleir and relevant; and gif this perſute wes Ciuile, the Summondis culd reſſaue na proces, far les in this Criminall caus. And it is notour to the Juſtice Clerk and his deputtis, that the Letteris aucht to contene the verray forme of Proclamatioune, that the offendaris may knaw quhow to vſe thair defenſſis thairanent: For it may ſtand, that the ſaid Proclamatioune beris within ſextie and ſextene; and the defender is paſt that dait lang before the ſamin.—Anſueris the Aduocat, that the allegeance is nocht relevant, in reſpect of the ſummondis, quhilk referris to the Letteris of the Proclamatioune and executioune thairof, preſentlie producit.

The ſaid Mr Richert allegit, that the ſummondis is nocht relevant to the ſaid Proclamatioune, in ony pairt; and the defendar is nocht ſubjectit to anſuer to the ſaid Proclamatioune now producit, as ane pairt of the Summondis. It is allegit, that the ſaid Andro aucht nocht to be put to the knawlege of ane Aſſyiſe, becaus he is ane pure fermourer, nocht habill and of ȝeiris to pas to the Raid, and he ſend his ſone, being ane ſufficient man of armour, quha paſt with the firſt of the Army, and remanit with the laſt; and offeris to preif the ſamin ſufficientlie.

[1] Deserted. [2] John Waddell, Parson of Fliſk, one of the Ordinary Lords of Session; admitted Jun. 26, 1542. [3] Until. [4] Donator to the Gift of his escheat. Much iniquity arose from the system of granting 'Gifts of escheat' to retainers of the Court, who were needy, and almost always inexorable.

—The Aduocat anſuerit, that the ſamin aucht haill togidder to paſs to ane Aſſyiſe.

The ſaid Mr Richert allegit, that the ſamin eild[1] and remaning[2] aucht to be proven be Witneſſis, for inſtructing of the Aſſyiſe; in reſpect that the Aſſyiſe is ſummond be the Aduocattis, and for tryell of the Dittay. *Item*, vnder proteſtatioune that the defender grantis na cryme nor offence, allegit for the defender, that our ſouerannis lord and lady, be thair Writting, ſubſcriuit with thair handis, and vnder thair Signet, willit and grantit that the defender ſuld nocht be callit for abſence fra the ſaid Raid, and that he incur na ſkayth in his perſoune nor gudis; diſchargeing the Juſtice, Juſtice Clerk, Aduocattis, &c.: As the Diſcharge producit, beris. And thairfoir allegit, that na proceſs aucht forther to be led in this cauſe, and vſis the ſaid Writting for diſchargeing of the ſaid Juſtice, Juſtice Clerk, and Aduocattis aboue writtin, at this tyme allanerlie.—The ſaid Mr James Balfour aſkit inſtrumentis vpoun the tennour of our ſouerannis Writting; and gif the ſaid Andro will byde Aſſyiſe, conforme to the narratyve of the ſamin? *Item*, aſkit inſtrumentis, that he inquyrit at the partye and my Lord Lindſay, his prelocutour, gif he wald byde Aſſyiſe, conforme to the ſaid narratyve, and that of the remanent, or at the leiſt of that pairte, that his ſone wes in Drumfreis or[3] our ſouerannis depairtit furth thairof?—Anſuerit, that the ſaid defender, of the law, is nawyiſe ſubiectit to anſuer to interrogatiounis of pairtye. Proteſtis the ſaid Mr Richert, that the defenſſis foirſaidis be diſcuſſit in ordour, as thai ar proponit—and proteſtit for the reſt of his defenſſis quhen neid beis.

(Jan. 31.) My Lord Lindſay became ſurety for his entry at the next Aire of Fife, to underly the law, &c.

Abiding from the Raids of Stirling.

Jan. 4.—JOHNE COKBURNE OF WESTER NEWTOUNE, delatit for his treaſonabill remaining and bydiug at hame fra thair Maieſteis Oiſtis and Raidis, ordanit to convene at Striuiling the xxviij and laſt dayis of Auguſt and September laſtbipaſt, incontrare the tennour of thair Proclamatiounis.

PERSEWARIS, the King and Queen's Advocates; Patrik Anſtruther, donatour of the Eſcheat.

PRELOCUTOURIS for the ſaid Johne,

The Lard of Scraling, Mr Alexander Syme, Mr Robert Auchmowtye,
Mr Williame Scot, Johne Auchmowtye, burgess of Edr, Johne Cockburne in Leyth.

Allegis the ſaid Mr Alexander, that the ſaid John aucht nocht to be putt to knawlege of ane Aſſyiſe, becaus he is outwith the aige of lx ȝeiris; and als in reſpect of the exemptiounne of our Souerannis Maieſtye, of the dait Jun. 8, 1557, of hir regnne the xv ȝeir; and in lyk maner, producit ane vther Writting, ſubſcriuit

[1] Age; viz. the pannel's time of life. [2] Abiding from the Raid. [3] Ere, before.

be our ſouerannis lord and lady, diſchargeand the Juſtice, and vtheris thairin, off all proceding aganis him, &c. off the dait the xxvi day of December 1565.—Aſſignis Thuriſday nixttocum, with conſent of pairtye, to the ſaid Johne, for probatioune of the prouiſioun contenit in our ſouerane ladeis Licence, vnder hir Privie ſeale, to remane fra all Oiſtis, Raidis, and Armeis, during his lyftyme, &c.

(Jan. 10.)—Proteſtis Mr Alexander Syme, prelocutour, that the allegeances maid this day be diſcuſſit, tuicheing the prouiſioune contenit in the laſt Licence; and als proteſtis, that in caiſe he preve nocht the defence contenit in the Act, that he may be hard to ſey forther, and preif the ſamin; and alſe, proteſtis for ane vther terme, gif neid beis.[1]

(Jan. 11.)—The ſaid Johne producit certane Witneſſes, quha wer admittit and deponit in the ſaid mater; and the ſamin mater being continuit be the Juſtice to this day and Court, vpoun Interloquitour, gif ane vther terme ſuld be aſſignit be the Juſtice, to the ſaid Johne Cokburne to ſummond ma[2] Witneſſis thairin: Mr Robert Creychtoune, ane of the ſaidis Aduocattis, togidder with the ſaid Patrik, donatour foirſaid, beand comperit in jugement, in this Court, to heir and ſe the ſaid Interlocutour pronunceit be the ſaid Juſtice-depute, the ſaid Patrik, in preſens of the ſaid Aduocat, exponit and declarit, that it wes now comin to his knawlege, and clearlie vnderſtand to him, that the ſaid Johne Cokburne ſend for him[3] to the ſaidis Armeis, Robert Wat, wele bodin and furneiſt, as ſaid is, conforme to the Proclamatioune maid thairupoun, and had ſatisfeit and fulfillit the prouiſione of his ſaid Licence; and thairfor, with conſent of the ſaid Aduocat, renunceit the ſaid actioune, and forther perſute of the ſaid Johne thairin: And conſentit that all proces ſould ceiſe aganis him for the ſamin, in tyme cuming.—Quhairfor the ſaid JUSTICE-DEPUTE, with the conſent of the ſaidis parteis perſewaris, diſchargeit the ſaid Johne of the ſaid actione; and decernit him fré thairof, and all forther proces to ceiſe thairin, in tyme cuming.[4]

Concealed Murder.

Jan. 18.—ROBERT AITKYNE, delatit of the Murthour of Johne Robertſoune in Abirdene, throuch ſtriking of him with an ſchip-hammer, behind his bak, on his hed, within his awin barne; and thairefter, beleving him to be deid, lokkit his barne dur, mynding,[5] eftir concealing of his deid, to have bureit him in the nycht.

PRELOCUTOUR for the ſaid Robert, Dauid Primroſe.

[1] The names of five *Witnesses* were given in, as having been sworn. [2] More. [3] As his substitute. [4] Others were cited for the same offences, and were pursued as rigorously as in the above instances, chiefly on the procurement of the Donators of the escheat; who, in addition to their pecuniary interest, had frequently private piques to revenge against the pannels, being generally persons of opposite factions. [5] Intending, purposing.

Robert Aitkyne requyrit inſtrumentis, that he offerit himſelf in the KING and QUENIS Maieſteis Will.

VERDICT. It is fundin be Aſſyiſe, that the ſaid Robert crewalye, in the moneth of December laſtbipaſt, Hurt and Woundit Johne Robertſoune in Abirdene, be way of concelit and hid Murthour, in perrell of deid.

SENTENCE.—To be had to the Mercat-croce of Ed^r, and thair, vpoune ane ſcaffall, HIS HEID to be ſtrikin fra his bodie.

Demembration — Cutting off a person's Ears.

Jan. 26.—ADAME TWEDY OF DRAWEY, delatit of the cutting of Robert Rammage luggis,[1] and demembring of him thairof.

PERSEWARIS, Robert Rammage, and Williame Rammage, his brother.

Pleaded THE KING and QUENIS Remiſſion. 'The dait of this Remiſſioune of the Gudman of Drawayis, Nov. 30, 1565.'—The Perſewaris aſkit inſtrumentis, that thai nevir perſewit the ſaid Adame of his lyffe, bot onlye for amendis[2] to be maid for the cryme. William Twedy of Drummelzeour became ſurety to ſatisfy parties.

Hurting and Wounding.

Feb. 12.—ANDRO ARMESTRANG, James Zoung, cutlar, Williame Johnneſtoune, Bowar,[3] and Thomas Broune, Cordiner, burgeſſis of Edinburghe, delatit of the Hurting of FREIR JOHNE BLAK, betuix his ſchulderis, to the effuſſioune of his blude.—Continewis to Monunday nexttocum; and Ordanis the pannale to remane within the ſamin (Ward) quhairin thai wer of befoir: Quha hes acceptit the ſamin.

PRELOCUTOURIS for this pannale,

Maiſter Dauid Borthwik,	Mr Thomas M^cealzane,	Mr Johne Scharpe,
Mr Alexander Sym,	Mr Richart Strang,	Mr Clement Litill.

(Feb. 18.)—The prelocutouris aſkit inſtrumentis, that thair wes ane command, be deliuerance of the Lordis, producit in jugement; be vertew quhairof, thai wer charget to aſſiſt the perſones perſewit, in procuring for thame anent thair lauchfull defenſſis, vnder the pane of depriuatioune contenit thairin. They alſo 'aſkit inſtrumentis,' that they requyrit the Aduocat to ſweir the Dittay.—The Aduocat, Mr Robert Creychtoune, aſkit inſtrumentis, that the Juſtices, be thair Interlocutour, declarit that he was nocht haldin to ſweir the ſaid Dittay. Mr Dauid Borthwik aſkit inſtrumentis vpoune the contentis of the Dittay, and that na deid procedand is qualifeit therein. James Zoung aſkit inſtrumentis vpone the Aduocattis Declaratioune, anent his purgatioune maid be *Freir Johne Blak*.

[1] Ears. [2] Assithment, or compensation to the private prosecutor for the personal injury sustained by him. [3] Bow-maker. See July 4, 1566.

VERDICT. The Aſſyiſe FYLIS *William Johnneſtoune*, bowar, off arte and parte of the Hurting & Wounding of Freir Johnne Blak, to the effuſioune of his blude, vpone the fyift day of Januar laſtbypaſt, betuix aucht and nyne houris at evin, in the Cowgait, betuix Nwyderis Wynd and the Freir Wynd, vpoune ſuddantye; in reſpect that his awin Confeſſioun beris, that he brocht *Richert Arow-maker* to his awin hous, and dicht[1] him thairin, and gave him ane clene cloke hame with him, and ſend him on the morne the ſaid Freir Blakis clok: And ACQUITTIS him of the remanent poyntis of the Dittay.

Transporting of victuals to Berwick, &c.

Feb. 23.—ANDRO LITSTER in Fouldene, Williame Bathkatt thair, Jhonne Thin thair, ſeruandis to Dalhouſye, & James ȝounger, ſeruand to Rikkertoun, delatit of Tranſporting of wittuallis furth of the realme to Berwik, and vtheris forbiddin pairtis, incontrair the Actis of Parliament.—The Laird of Dalhouſy became ſurety for their entry, on May 24, nixtocum.

Hamesuckin—Invading Lord Saltoune, &c.

Feb. 28.—MR THOMAS KEIR, Johne Farquharſoune of Newtoune, and twelve others, delatit of the Convocatioun of our ſouerane lordis (and ladies) liegis, and be way of Hameſuckyn, Invading of the LORD SALTOUNE and his ſeruandis. Mr Thomas M^c^alȝane, prelocutour, proteſtit in name of the pannale, for thair expenſſis, be reaſoun thai comperit, and wer in reddines to vnderly ane Aſſyiſe; lyke as ane ſufficient nowmer thairof wes heir, ſummond to that effect. —The Aduocat aſkit inſtrumentis, that he for the preſent diſaſſentit fra the perſute of this caus, becaus as he ſuſpectis colluſioune betuix the pairteis; and thairfoir wald ſummond, quhen he pleſit, ane unſuſpect Aſſyiſe to this effect.

Horse-Stealing from Lady Edmistoune.

Mar. 4.—PARESE SIMPILL delatit of the Steling fra THE LADY EDMISTOUNE of four horſe.—The Lady Edmiſtoune diſaſſentis fra the perſute of the ſaid Pareis.

PRELOCUTOURIS for this Pareis.

Johnne Edmiſtoune, Niniane Stewart, Johne Simpill, ſone to the Lord Simpill.

John Simpill of Bleneſchelis became caution for the entry of the ſaid Pareis at the next Juſtice-aire of Edinburgh.

Slaughter—Jurisdiction of the Lord High Constable.

Mar. 5.—JAMES BOG, delatit of the Slauchter of vmq^le^ George Hamil-

[1] Wiped; cleaned. The more intelligible phrase 'weſch (*washed*) the blude af his face,' is deleted, and the above words have been interlined.

toune, son of William Hamiltoune of Pardovane, committed on ſuddantye, in the month of January laſt.

PERSEWARIS, the Lard of Pardowane, father, brether, kyn, and friendis.

PRELOCUTOURIS for the said James, Mr David McGill; Mr John Scharpe; The Lard of McKerſtoune; The Lard of Swynſtoune; Capitane Anſtruther; Walter Ker.

PRELOCUTOURIS for the perſewaris, The Lard of Preſtoune, the Lard of Keir.

The pannel produced a Reſpite, dated[1] Feb. 22, 1565, for the ſpace of 19 years.

Proteſtis Mr Dauid McGill, that the entrie of James Bog in this Court, be nawyiſe prejudiciale to the Regalitye, in reſpect of the committing of the Slauchter libellit within the famin; and that the fouerteis fundin to this effect, to THE CONSTABILL and his deputtis, incur na danger. And ſiclik, Williame Henderſoune, Conſtabill depute, proteſtit, that his entre foirſaid be nawyiſe prejudiciale to his office.—Mathew Sinclare of Lochirmalcus, Williame Ridpeth, of that Ilk, and Andrew Ridpeth, his uncle, became cautioners for the satisfaction of the parties.

THE last of the Scroll-Books of Adjournal during the reign of MARY, QUEEN OF SCOTS, (some of which, as formerly noticed, have fortunately been preserved,) ends on Mar. 5, 1565-6. A few gleanings, however, of considerable historical interest, have been obtained from a Caution Book, ('*Liber Plegiationis* S. D. N. REGINE,') which extends from Jun. 18, 1563, to Nov. 25, 1566. No other fragments of the Criminal Records can now be found, from the period of the last of these dates to the close of Mary Queen of Scots' reign, July 29, 1567. The Trials which took place during the minority of KING JAMES VI, as given in the sequel of this Collection, carry forward the chronological series of the Records of the High Court of Justiciary of Scotland.

In one of the MS. Abridgements preserved in the Library of the Faculty of Advocates,[2] the following notice occurs, in reference to this period:—'MR THOMAS CRAIG ſitts as Juſtice deput for the moſt part; only *Naper of Merchiſtoune* ſitts the two firſt months. And *Sir Simon Preſtoune of Craigmillar* had a Commiſſion to be Juſtice General for a ſhort time, viz. from 22 Jan^ry, 1565, to the end of the next Feb^ry. The reaſon ſeems to be, that at that time, *Argyle* had joined the diſcontented Lords who had took arms after HENRY DARNLIE'S Marriage with THE QUEEN, chiefly because he had been proclaimed KING without taking the advice of the Great Lords, or aſking the conſent of the States of the Kingdom.—Vid. *Home's* Hist. of the Douglaſſes, in Earle Mortoune's life, p. 287; and *Spots.* Hiſt. *ad. ann.* 1564, p. 190, *et ſeqq.*'

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[1] At Edinburgh. [2] MS. Coll. Adv. Library, M. 5. 14, p. 66.

[*Mr Thomas Craig, Juſtice Depute.*]

Treasonable Conspiracy — Imprisoning the Queen in her Palace of Holyrood — Murder of David Riccio, &c.

[THE minute circumstances attending the bold but unmanly Conspiracy for the Murder of THE QUEEN's favourite, DAVID RICCIO, have been so frequently detailed, that it is not the Editor's intention to intrude any lengthened observations upon the reader's notice, in this place. It will be found that, in the text as well as in *the Appendix* to this reign, many interesting particulars have been collected, which are now for the first time laid before the public, equally illustrative of this Treasonable and atrocious fact and of the subsequent Murder of KING HENRY (Darnley.)

Reference may be advantageously made to the Collections of *Anderson* and *Keith*, and to the Histories of *Laing, Robertson, Chalmers*, &c. for many important PAPERS, each of which throw additional light on the disastrous consequences resulting from this bloody and barbarous transaction.

The following Trials of THE LAIRD OF CAMBUSMICHAELL and his two associates, and of HENRY YAIR, have fortunately been preserved in *Sir Ludovick Stewart of Kirkhill's* MS. Collections.[1] As was formerly observed, the original Criminal Records of this period have long since been destroyed; but it would appear, that the Volume in which these Trials was inserted must have been extant in the reign of Charles I, when this eminent Lawyer flourished. From the same source also, the Editor has recovered the following brief *Memoranda*, containing particulars,[2] which are thought of sufficient importance to be preserved along with the Trials to which many of these circumstances relate.

'ANE COMPENDIOUS NOTATION *of maters interpryſed and done ſen* þe QUEEN'S MA. *comeing out of* FRANCE *to this her graces realme*, þe 19 *Auguſtij*, 1561.[3]

'IN the first, the Slaughter of þE EARLE OF HUNTLY wes vpon þe 28 day of October (1562), at Brunalfoure, (*the Battle of Corriehie.*)

'THE EARLE OF LENNOX came to Scotland þe 21 day of September 1564, and his reſtoring wes in þe Tolbooth of Edr by ane Parliament haldine þe . . . day of . . . 1564.

'The Hame-comeing of MY LORD DARNLEY, his ſon, out of England, wes þe 12 day of Feberij, 1564-(5.) He wes made Duke, Earle, Lord, and Knycht, in the moneth of Jully, and wes Crounit be THE QUEEN'S MATIE with þe CROUNE OF MATRIMONY, vpon þe 28 of þe ſaid moneth: And vpon þe morne, his Mariage wes with þE QUEEN'S grace, in þe Abbay of Hallyroodhous, with the Meſs,[4] and came to Preaching twa Sundays nixt þairafter; and never after, vnto deceiſe.

'The Lords underwrittine were BANISHED for not conſenting to the forſaid Mariage. Ther reaſon wes, becauſe þE QUEEN wold not grant to þe eſtabliſhing of þe true RELIGION, and they remainit in *England* thrie moneths, or þairby.

'*The names of the Lords, Barrons, and principall Gentlemen, that depairtit to England.*

'James Duke of Caſteleherault, James Earle of Murray, Alexander Earle of Glencairne, Robert Lord Boyd, Lord Vchiltrie, Gawine Commendator of Kilwining, Earle of Rotheſs, Archbald Earle of Argyle, (but he remainit in Argyle,) Sir William Kirkaldie of Grange, knyt, ... Monypenny of Pitmillie, younger.

'The quhilkis Lords ſould have been fforfaulted in ane Parliament quhilk wes halden at Edr þe 18 day of March 1564-(5), THE KING not reſorting þairto, but playing him where he thought beſt. On þe quhilke þe Earle of Huntly ſould have been reſtored, quhilk be þe Slaughter of SEINZOUR DAVIE ('R1510,'[5]) ane Italian, who ſould have bein made ane Lord and ane Laird vpon þe morne, wes ſtayit and continwit. The ſaid Slaughter wes committit vpon þe 9 of March, at even, be thir perſons follow-

[1] *Robert Milne's* MSS. Adv. Library, W. 3, 18, pp. 74 and 75. [2] *Sir Lud. Stewart's MS. Collections*, ib. p. 359. [3] 'This taken out of the 3d Vol. of Hope and Durie's Practiques, last leafe thairof.' *R. Milne's* note.
[4] See *Notice* prefixed to Jun. 14, 1567. [5] *R. Milne's* note.

ing, viz. James Earle of Mortone, Patrick Lord Ruthven, who tore him out of THE QUEEN hir armes, William Maifter of Ruthven, Patrick Lord Lindfay, Sir William Maitland of Leithingtoun, knyt, Secretar to our foverane lady, Mr James McGill of Rankeillour-Neather, Clerk of Regifter, with pair affifters, kinn, freindis, and fervants. Quhilk SEINȜIOR DAVIE they flew in THE QUEEN'S Chamber, and in hir graces prefence.

'And þe LORDIS quhilkis of befoir wer Banifhed, vpon þe morne they came to Edr, and they got þair peace fra þe QUEEN'S grace. And þairefter her grace fled to *Dunbar* and guydit þe countrie, and Banifhed þe faidis LORDS quhilk were þe Slayers of þe faid SEINȜIOR DAVIE, and put þaim furth of þe realme.

'For the quhilke Slaughter *Thomas Scot of Camfnychaell*, fchereffe depute of Perth, and *Henry ȝair*, fervants to my Lord Ruthven, were HANGED and QUARTERED.

'To the quhilk Slaughter THE KING conftitute (*confentit?*) and went with þaim to þe QUEEN'S grace Chamber; and þairefter denyed þat he confentit þairto, quhen þe LORDIS were out of þe realme, bot faid he wes compellit be þaim to confent þairto, or elfe they would have flaine him.

'THE NATIVITIE and birth of our noble PRINCE wes in THE CASTLE OF EDR þe 17 Junij, at ij hours, in þe year of our Lord 1566. His Baptifeing wes in Stirling, be THE BISCHOP OF ST ANDREWS þe 10 of December, þe forfaid year. THE KING OF FRANCE and þe QUEEN OF ENGLAND, be þe Ambaxattis, being witneffis, to witt, MONSEOR DE BREAME (for þe King of France,) and þe EARLE OF BEDFURD for þe Quein of England. The faid Quein fent ane Funt of Gold to his Baptiȝeing, with operis great Gifts were given at þe faid Baptiȝeing. The fad Monfeor de Breame namit him, be command of þe King of France, CHARLES; the faid Erle of Bedfurd namit him, be command of þe Queen of England, JAMES, quhilk we retein.

'THE KING came not to þe faid Baptizme, bot many of þe LORDES waittit vpon þe EARLE OF BOTHWELL quhilk were prefent at þe faid Baptizme. THE KING went to Glafgow foon after, and remained þair quhill Januarij. And þan þe QUEEN'S grace and þe LORDS quhilke were þair, in þe Court, went for him to bring to Edr 1566.

'Att þe faid Baptifme þe LORDS quhilke were Banifhed for þe Slauchter of SEINȜIOR DAVIE were relaxit, and came home to this countrie. THE LORD RUTHVEN are (is) in England.

'THE KING remained and lay in þe KIRK OF FEILD, and divers tymes þe QUEEN came to fie how he did, he being very fick, 1566-(7). He being in his bed þe 9th Febr at twa in þe bell after midnycht, wes blawine in þe air, and þe haill lodging, William Tailȝeour being alfo murthered with him, who wes his fervant, in anno 1566-(7).

'THE EARLE OF MURRAY departit to FRANCE, within ane moneth after þe faid Slaughter.

'THE PRINCE wes fent to þe LORD ERSKINE in STIRLING þe 8 of March, þe year of God 1567; and he delyverit þe Caftell of Edr to her grace þe fame day, quhilk fhee gave in keeping to *Schir William Cockburne of Scirling, knyt*, who keipit þe famin till þe 22 of Appryll, and þan *Schir James Balfour of Pittendreich, knicht*, Laird of Burghley, was made Captane þairof.'

Without attempting to collect into one view the various information which is scattered through the Appendix to this reign, so far as is illustrative of many of the important matters connected with these tragical proceedings, the Editor begs merely to refer to these, in addition to the numerous Collections of State Papers and Histories which treat of the Life and times of MARY QUEEN OF SCOTS. The forthcoming Volumes of *Mr Fraser Tytler* may safely be consulted for an impartial summary of that eventful and hitherto doubtful period of Scottish History, which, it is confidently expected, will receive much new and important light from that author's critical acumen and patient research.

It may be mentioned here that in these Records, and other authentic documents, the name of Queen Mary's Secretary was DAVID RICCIO, not 'RIZZIO,' as his name has vulgarly been written, almost uniformly, by all our popular Historians.]

Apr. 1.—THOMAS SCOTT OF CAMBUSMICHAELL, Shereffe Depute of Perth,[1] William Harlaw, and John Mowbray, burgeffes of Edinburghe.[2]

ASSYSE.

The Laird of Langtoun,	Alex. Home, burges of Edr,	James Nicoll, Baillie,
The Laird of Whytelaw,	William Forrefter, in Leith,	John Hamiltoun, merchant,
Andro Hamiltoun of Cochna,	Walter Cant, ther,	The Laird of Cambusnethan,
The Laird of Skirling,	Cuth. Ramfay, burges of Edr,	Alexander Bruce, burges of Edinburgh.
A. Stewart, Tutor of Caftelmilk,	William Fouller, Baillie,	

William Fouller and James Nicoll, Baillies, proteftit, þat þair paffing upon this Affyfe be na ways prejudiciall to them, nor their offices[3] in tyme cuming.

VERDICT. The quhilk day, the faid Thomas Scott, William Harlaw, and John Mowbray, were Convict and Fyllit be the faid Affyfe of airt and pairt of the unlefum and treafonable Wacheing, warding, and halding in captivitie, with Convocatione of our foveran ladyes leidges, bodin in feir of weir, alfe weill in fecret armour as with jakis, fteill-bonnettes, gunnes, piftolets, fwords, bucklers, Jedburcht-ftaffis, Halberts, and vþeris wapnis invafive, be themfelves and vtheris in þair names, of þair caufeing, command, affiftance, devyfing, fending, and ratihabitione, of our faid SOUERAN LADYES maift nobill perfone, within hir maift fecreit Chamber of her PALACE OF HALYRUDHOWSE, immediatelie and continuallie fra the comitting of the crewall and treafonable Slaughter of vmqle Secretar DAVID RIZEW, quhilke wes upon the nynth day of March laft bypaft,[4] to the fpace of xlviij houres nixt þaireftir, treafonablie and maift awfullie ftoping hir HIENES to ufe hir libertie in the meanetyme: Lykas, alfo, fhe hade bein haldin be þaim in prifon as ȝit, maift treafonablie and wickitlie, had not bein that, be the provifione of God, fhe þairefter fred and delyverit hir felfe furth of þair hands, in maift fober and quiet maner, under filence of nycht; and, with grayte hafart of hir lyfe, paft to hir CASTELL OF DUMBAR, for faiftie thereof: And this they did upon fet purpofe, prouifioun, and foirthought fellony.

And þairfor, DOME wes given and pronouncit be the mouthe of the Dempfter of the faid Court, at command of the faid Juftice-depute, that þe faid *Thomas* fould be HANGIT quhill he were deid, drawin, quarterit, and demaneit as ane traitour; and all his guidis, moveable and unmoveable, lands, heretages, annualrents, takis, offices, fteidings, poffeffiones, and uthers whatfumeuer, to be FORFAULTIT, and Efcheit to our fouerane ladyes ufe, at her pleafure.[5]

[1] 'He was HANGED and QUARTERED.'—*Spotswoods Hist.* p. 195. [2] They were both spared at 'interceffion of Earle of Bothwell.'—*R. Milne.* [3] As being two of the Baillies of Edinburgh, at the time of the trial. [4] 'MONSR SINGNIOR DAUID ves flane in HALYRUDHOUS, þe ix day of Merche, anno 1565-'(6.)—*Kirk Session Records of Canongate.* [5] Mar. 31, 1566, *Item*, to SNAWDOUN, Herauld, &c. paffand of Edr, with Lettres to ferche, &c. þe efcheit gudis pertening to THOMAS SCOTT of Cambufmichaell, being in captiuitie, and to be accufit of certane pointis of *Treffone*, off þe quhilkis he wes conuict and juftefiet to þe deid, iiij li. xvj s. *Treas. Acc.*

High Treason — Treasonable Conspiracy against the Queen and Privy Council, &c. — Murder of David Riccio.

Apr. 1.—Henrie Yair,[1] delaittit of Treafone following.[2]

Assisa.

Lawrence Symfon, burges of Ed^r,	Robert Ker, merchant in Ed^r,	Wm. Anderfone, candlemaker,
John Gilbert, goldfmith,	Alexander Haiftie, there,	Alexander Bruce, in Edinburghe,
Thomas Ewing, goldfmyth,	John Watfon, merchant there,	Allan Dickiefone, ther,
Gilbert Scowgall,	James Forrett, there,	William Rae, cutler,
Capitane Robert Lawder,	Edward Litle, merchant ther,	Robert Eviot, in Mertoun.

Verdict. The quhilk day the faid *Henry Yair* wes Convict and Fyllit be ane Affyfe, of airt and pairt, affiftance, fortifieing, fupplying, ratihabitioun, and concealling of the treafonable Confpiracie, convocatione, and gaddering of our foveranes leigeis, to the number of fyve hundreth perfones, boddin in feir of weir, alfeweill in fecreit armour, as with jaks, fteill-bonnetes, gunnes, piftoletis, fwords, buklers, Jedburcht-ftaues, halberts, and vtheris waipones invafiue; and entering therewith, treafonablie, within þair Majesties Pallice of Hallyruidhous, purpoflie to have put violent hands on our soverane ladies maift nobill perfone, haldin and demaneit the famyne at ther pleafure; and ficlyke, to haue flane or otherwayes demaineit, as they thought expedient, the Lords of hir hienes Secreit Counsall and Sessione, and vtheris hir Miniffers and Officiars, being within hir Pallace and in her fervice for the tyme; and þat upon the nynth day of March laft bypaft, under filence of night, at aught houres at even or þairby, it being the tyme of Parliament current. And for performing this þair maift wicked and ungodlie purpofe, they then maift treafonablie rufhit and enterit within þe faid Pallace, tuike the famen at þair own hands, reft the keyes þairof fra the Porters, clofit the yetis, and made þaimfelves as principalls and maifters þairintill, our foverane Lady being for the tyme in her maift fecreit Chamber þairof, att hir quietnes, having na feir nor dreidour of hir fubjects, to whom hir grace at all tymes had been maift beneficiall,[3] guid, and mercifull; and þair maift crewallie, with drawin fwords, whingers, bendit piftolls, and vthers wapones invafiue, perfewit and invaidit umq^le Secretar David Riccio, hir hienes familliar fervand, þan in companie within hir hienes Chalmer forfaid, and flew him treafonablie and unmercifullie, in prefence of our faid soverane, and pat violent hands in our soverane ladyes maift nobill perfone, in defence and faiftie of the faid umq^le David; held, deteinit, and preffit the famen maift awfullie and treafonablie, till they had committit þe faid Slaughter in hir prefens, as faid is, hir Majestie being þan great with chyld; giveand to hir hienes

[1] 'Somtyme a Preift.'—*R. Mylne's MS.* See *Notice* to preceding Trial. Having renounced Popery, he became one of Lord Ruthven's retainers. See *Keith*, 334. [2] 'For acceffion to David Rizio's Murder, 9 March, 1566. Wes hanged and quartered. Spotswood's Hist. p. 195.'—*R. Mylne's MS.* [3] Beneficent.

occaſioun, throw dreadour and diſpleaſure ſhe conceavit, be the ſight of the ſaid crewall Slaughter and maner þairof, and be the deteining and thriſteing of hir awn perſone in violent maner, as ſaid is, to pairt with hir birth: AND immediatlie therafter, ſeirſchit and ſought the ſaidis Lordis, Miniſters, and Officiars being within the ſaid PALLACE, to haue ſlaine them; and ſwa had don, had not bein the pleaſure of God they eſcapit:[1] AND ſwa, ſeing themſelues diſappoyntit in þat behalfe, through þair evaſioun, at þair pleaſure, in treaſonable maner, detainit and held captiue the remanent Lords, Miniſters, and officiars within the ſaid PALLICE, fra the ſaid hour, at aught, while[2] tua hours after midnight, þat ſamen night, continually; upon ſet purpoſe, proviſioun, and foirthowght fellony. ITEM, for airt and pairt of the unleſum and treaſonable Warding and halding in captivitie, with Convocation foreſaid, boding in feir of weir, as ſaid is, be himſelfe and uthers his complices, of our SOVERANE LADYES maiſt noble perſone, within hir ſaid Chalmer of hir PALLACE OF HALYRUDHOUS forſaid, immediatelie and continuallie frae the committing of the ſaid crewall treaſonable Slaughter, quhilk wes at the tyme forſaid, to the ſpace of forty-aught hours nixt therafter; treaſonablie and maiſt aufullie ſtoping hir HIENES to uſe hir libertie, in the meanetime: Lykeas alſo, ſhe had bein halden be them in priſone as yit, had not bein that, be the proviſione of God, ſhe therfor fled and delyverit hirſelfe furth of ther hands, in maiſt ſober and qwyet maner, under ſilence of night; and with great hazart of hir lyfe, paſt to THE CASTELL OF DUMBAR, for ſaiftie of hir lyfe; upon ſet purpoſe, proviſioun, and foirthought fellony.

And theirfore, DOME was given and pronuncit be the mouth of the Dempſter of the ſaid Court, att command of the ſaid Juſtice Deput, that the ſaid *Hendrie* ſould be HANGIT while he were deid; drawin, quarterit, and demaneit as ane traitor; and all his moveable and vnmoveable lands, heretadges, annualrentis, tacks, offices, ſteidingis, poſſeſſiouns, and uthers whatſomever, to be FORFALTIT and Eſcheat to our ſoverane, to be uſed and diſponed be hir MAJESTIE, at hir pleaſure.

Warding the Queen in Halyrudehouse, &c.—Murder of David Riccio.

Apr. 6, 1566.—THOMAS TAIT, Dauid Aikinheid, Johne Kaſs, Thomas Paterſoun, Nicoll Galwye, Johne Cochrane, and Gilbert Weche,[3] induellaris in Dalkeyth, John Hunter in Cowſland, Alexander Hoge in Dalkeyth, Williame Archebald in Muſſilburcht, James Cuthbertſoune, Johne Mowe, Johne Stevin-

[1] 'Their names wes Huntlie, Argyle, Bothwell, Sutherland, Caithnes, Lords Flemyng and Leving-ſtoun,' &c.—See *Spotswood's* Hist. p. 194. Item, *Home of Godscroft's* Hist. p. 292. *R. Mylne's MS.* Note. [2] Until. [3] Veitch.

ſoune, and Adame Watſoune, induellaris in Dalkeyth, found ſurety to underly the law, 'vpoune ſex dayis warning, ffor the treaſounabill wacheing, warding, and Impriſouing of our ſoueran lady within hir PALICE OF HALYRUDHOUS.—(Apr. 8.) JOHNE SMYTH, elder in Couſland, found ſurety in like manner for the ſame crime.

Abiding from the Raid of Crawfurd-Dowglas.

Apr. 8.——WILLIAME GOLLOK in Peblis, found ſurety to underly the law, on Apr. 23 inſtant, for treaſonably Abiding from the King and Queen's Army, ordained to conveen at Crawfurd-Dowglaſs, on Oct. 7 laſt.

Imprisoning the Queen in Holyroodhouse, &c.

Apr. 10.—GEORGE SCHEWES in Fentoun, Williame Levingtoune in Dirltoun, and Johne Craike in Gulane, found Andro Commendater of Jedburcht, and others, ſureties for their entry, on ſix days warning, to underly the law 'ffor the treaſonabill Wacheing, warding, and impreſoning of our ſoueran lady within hir Palice of Halyrudehouſe.'

Murder of 'Senzeour Dauid' (Riccio).

Jun. 1.—THE *Supplicatioune of* WILLIAME QUHITE, *cordiner in the Cannogait.*—SOUERANNIS lord and lady, vnto ȝour MAIESTEIS, and Lordis of ȝour Maieſteis maiſt honorabill PRIUE COUNSALE, huimlie menis and ſchewis I ȝour ſeruitour *Williame Quhite*, cordiner in the Cannogait: That quhair I gave in my Supplicatioun to ȝour Maieſteis of beſoir, ſchewand, that for feir (of) being ſocht at my houſe, the morne eftir ȝour hienes cuming to this Toun,[1] furth of Dumbar, I eſchewitt,[2] and durſt nocht compeir beſoir ȝour MA^TEIS and Counſale, to anſuer to ſic thingis as ſuld be laid to my charge; albeit in veritie, as be my vþer Supplicatioune I notefeit and declarit þat I wes nocht preſent at þE SLAUCHTER of SENZEOUR DAUID, ȝour hienes Secreter,[3] nor ȝet wes of counſale, arte nor parte of þe ſamin, nor neuir knew þairof, quhill[4] *Alexander Carpentyne* aduerteiſt me in my awin houſe of the ſamin; and come nocht out of my awin houſe þat nycht: And offerit me to find cautioune to vnderly the law þairfor: Quhilk ȝour graceis and Lordis of ȝour Counſale ordanit to be reſſauit; and I immediatlie þaireftir fand þe ſamin to þe Clerk of ȝour hienes Counſale: Nochtheles, I as ȝit can nocht be relaxit fra þe horne, bot baith my ſouerté ſtandis, and I remane at the horne. HEIRFOIR I beſeik ȝour MA^TIES and Lordſchipis, that ȝe will ordand[5] Letteris to be direct to relax me fra þe proceſs of horne led

[1] Edinburgh. [2] Escaped; absconded. [3] The word 'ſeruand' had been first written, and afterwards deleted. [4] Until. [5] Ordain, decree.

vpone me, in maner foirſaid, reſſaue me to þe peax, and gif to me þe wand þairof,[1] becaus I have already fundin cawtioune to þe ſaid Clerk of Counſale, in maner aboue writtine: And ȝour hienes anſuer huimlie I beſeik.[2]

Apud Ed^r, *primo Junij, anno* 1566.—The Lordis of Secrete Counsale Ordanis the Juſtice-Clerk and his deputtis to reſſave fouirté of this complener, that he ſall compeir and vnderly the law eftir þe forme of this Bill, the thrid day of the Aire, or ſoner, vpoune xv dayis warning, vnder the pane of ane hundreth pundis: And þe ſaid fouirté being fundin, Ordanis Letteris to be direct to relax him fra þe horne. Huntlie. James Stewart. Mar. Boithwell. Athoill. Caithnesse.

'Johne Hart,[3] indueller in the Cannogait, became plege and ſouerte,' &c., in obedience to the above deliverance.

Murder of 'Senzour Dauid Riccio.'

Jul. 2.—James Zoung, cutler, burges of Edinburgh, and Thomas Broune, cordiner there, found ſurety 'that thai ſall compeir befoir the Juſtice, or his deputtis, the third day of the nixt Juſtice-aire of Edinburghe, or ſoner, quhenne and quhair it ſall pleiſe our ſouerannis lord and lady, vpone xv dayis warning, to vnderly the law ffor arte and parte of all counſaling, deviſing, and actuale deid, of the Slauchter of vmq^le Senzeour Dauid Riccio; after the forme and tennour of thair Supplicatioune gevin in to the Lordis of Secrete Counſale thairupoune, and vndir the panis contenit in the Actis of Parliament: And this ſouerté wes reſſauit be command and deliuerance of the ſaidis Lordis.

Supplicatioune *for James Zoung, cutler, and Thomas Broune, cordiner.*

Vnto ȝour Ma^teis and Lordis of Secrete Counsell, vnto ȝour lordſchipes humblie menis[4] and ſchewis, we ȝour graceis ſeruitouris, James ȝoung, cutler, burges of Ed^r, and Thomas Broune, cordiner þair: That quhair, upone þe nynt day of March laſtbipaſt, the tyme of þe Slauchter of vmq^le Senzeour Dauid Riccio, within ȝour Ma^teis Palice of Halryrudehouſe, we wer in our awin houſſis at ſupper, ignorant of the thing attemptit, quhill[5] þe Commoune-Bell rang: At quhilk tyme we paſt in cumpany with the Proweſt, as mony ma did, to þe Abbey, and þat ſame nycht returnit agane and paſt to our beddis within our awin houſſis. On the morne, being Sounday, we wer befoir noyne[6] in the Kirk, and eftir noyne wes in our awin houſſis. Vpoune Monunday in the morning, being commandit be Alexander Cuke, officiare, we paſt to þe Abbay, and remanit all day quhill nycht. This is þe ſimpill and plane trewth of our pairties. And þairaftir, at þe Quenis Ma^teis returning fra Dunbar to þis hurcht, being informit þat iiir hienes was ſpecialie offendit with ws, for feir abſentit our ſelves; and ſwa wes putt to the horne. Heirfor, we beſeke ȝour Ma^teis, ſen we ar innocent of all counſuling, diuiſing, and actuale deid of þe ſaid Slauchter, and is content to vndirly þe law þairfor, that

[1] A rebel was relaxed from the horn by the symbolical delivery to him of 'the wand of peax' (peace); which, on the contrary, was broken asunder by a Herald, Pursuivant, or Messenger-at-Arms, in cases of *deforcement*, &c. Each Messenger of the present day, on his appointment, still receives a small rod tipped with silver, having the King's blazon, &c. A movable ring, or slide, is so constructed as to slide from one end to the other. When deforced, the Officer pulls out his baton, or rod, and, in place of snapping it asunder, slips the ring before described from one end to the other, before witnesses, and publicly announces his *deforcement;* which he afterwards certifies in a regular 'Execution,' *i.e.* official attestation of the fact. See also Nov. 18, 1511, and Oct. 11, 1531, *Notice*, for other particulars relative to the 'Wand of Peax.' [2] 'I ressauit na souertie, (*Signed*) J. Hay.' [3] Probably father, uncle, or near relation of Andro Hart, the well-known Printer. [4] Complains; literally, makes *moan.* [5] Until. [6] Before noon; at the morning service.

ȝour MA^teis will gif command to ȝour Justice Clerk and his deputies, to reſſeve ſouertie of ws, that we ſall compere and vndirly þe law þairfor, the thrid day of þe nixt Juſtice-aire of Ed^r, or ſoner, vpoune xv dayis warning, vndir the panis contenit in þe Actis of Parliament; And þe ſaid ſouirtie being fundin, that we may have Letteris to relax ws fra þe ſaid proceſs of horne led vpoun ws in þe ſaid mater, reſſave ws to ȝour MA^teis peace, and gif to ws þe waud þairof.[1] And as for remauing in þe ſaid ABBEY the ſaid Monunday, inſafar as ȝour hienes is offendit þairwith, we ſubmit ws in ȝour gratious will and mercye. And ȝour gratious anſuer huimlie we beſek.—APUD ED^r, *ſecundo Julij*, 1566 THE LORDIS OF SECRETE COUNSALL Ordanis the Juſtice Clerk and his deputes to reſſave ſouirtie of thir James ȝoung and Thomas Broune, that þai ſall compeir and vnderly the law the thrid day of the nixt Juſtice-aire of Ed^r, or ſoner, vpoune xv dayis warning, efter þe forme of þair Supplicatioune, and vnder the panis contenit in þe Actis of Parliament: And the ſaid ſouirtie being fundin, Ordainis Letteris to be direct to relax þame fra þe horne. HUNTLIE. JAMES STEWART. JO. ROSSEN.[2]

Murder of David Riccio.

Jul. 4.—WILLIAM JOHNESTOUNE, bower,[3] burges of Edinburghe, found Robert Campbell of Kinȝeanclench ſurety for his entry at the next Juſtice-aire of Edinburgh, &c. to 'vnderly the law efter the forme of this Supplicatione vnder-written,' &c. The Supplication and deliverance are *verbatim* the ſame as in the caſe of ȝoung and Broune.

Murder of Secretar David Riccio.

Jul. 10.—ANDRO ARMESTRANG, burgeſs of Edinburgh, found ſurety to vnderly the law, conform to the following Supplication and deliverance of the Lords of Secret Council.

SUPPLICATIONE *for Andro Armeſtrang, burges of Edinburghe.*

MY LORDIS of Secrete Counſele, vnto ȝour lordſchipes huimlie menis and ſchewis, I ȝour ſeruitor, Andro Armeſtrang, burges of Ed^r, that quhair eftir þe Slauchter of vmq^le SECRETAR DAUID RICCIO, committit within our ſouerannis Palice of Halyrudehous vpone þe nynt day of Marche laſtbipaſt, I (as mony ma[4]) chanceit to pas to þe ſaid Palice, and to be preſent at the Wache[5] kepit þairin, albeit I wes nawyise of þe counſale, diuiſing nor foirknawledge of þe ſaid Slauchter, nor preſent at þe actuale deid of þe ſamin: ffor þe quhilk I am content to abyde þe law. This is þe ſempill trewth of his parte; and ȝit, hering þat our ſoueran was offendit with me at hir graces returning from Dumbar, for feir I abſentit my ſelf, and ſwa was putt to þe horne. HEIRFOR, I beſeik ȝour lordſchipes that I may have command to þe Juſtice Clerk and his deputtes, to reſſave ſouerte of me, that I ſall compeir and vnderly þe law the thrid day of þe nixt Juſtice-air of Ed^r, or ſoner, on xv dayis warning, quhen and quhair it ſall pleis our ſouerannis for all counſaling, devyſing, and arte and parte of þe actuale deid of þe ſaid Slauchter, vndir the panis contenit in þe Actis of Parliament: And the ſaid ſourtie being fundin, that I may have Letteres to relax me fra þe proces of horne led vpone me in þe ſaid mater, reſſave me in our ſouerannis peax, and gif to me þe wand þairof: And ȝour anſwer, &c. APUD ED^r, *x^o Julij anno I^m V^c lxxj^o.* THE LORDIS OF SECRETE COUNSALE Ordanis the Juſtice, Juſtice Clerk, and his deputtis, to reſſave ſourtie of this complenar, after þe forme of þis Supplicatioune. And þe ſaid ſouirte being fundin, Ordanis Letteris to be direct to relax him fra þe horne, in maner deſyrit.

ARGYLE. JAMES STEWART. MAR.

[1] See note to Jan. 1, 1566, &c. [2] JOHN LESLY OF ROSS, the well known Historian, &c. [3] Bow-maker, See Feb. 12, 1565-6. [4] Many more. [5] Watch, or guard.

Murder of 'Seneor Dauid Riccio, &c.'

Jul. 23.—George Tod in Dirltoune, and Alexander Robertſoune there, found Alexander Hammiltonne of Innerwik ſurety for their entry at the next Juſtice-aire of Edinburgh, 'or ſoner, quhen and quhair it ſall pleiſe our ſouerannis lord and lady, vpoune xv dayis warning, to vnderly the law for art and parte of the crewale Slauchter of vmq^le^ Seneour Dauid Riceio: And treasonabill Wacheing, warding, and impreſoning, of our ſoueran lady within hir Palice of Halyrudehouſe.'—Andro, Commendater of Jedburcht, band and obleiſt him to freyth, releve, and keip ſkaithles the ſaid Alex^r^ Hammiltoune of the cawtioune aboue writtine, and all panis that he ſall happin to incur thairthrow.

Caution for the Parson of Renfrew.

July 26.—Maister Andro Hay, Perſoun of Renfrew, found Hew Wallace of Carnall ſurety for him, 'that he ſall remane in fré Ward within the burcht of Dunbar, and twa mylis round about the ſamin; and ſall on nawyiſe eſchaip nor eſchew, vnder the pane of ffyve Thowſand merkis, conforme to the King and Quenes Precept direct thairupoune to the Juſtice Clerk.'—'*Deletur ex Preecepto Regine.*'

(Sep. 7.)—He found caution to enter and underly the law, on xv days' warning.

(Jan. 29, 1566-7.)—Justice Clerk, We greit ȝow, þat incontinent eftir the ſycht heirof ȝe delete *Maiſter Andro Hay*, Perſoune of Renfrewis, cautioner, out of ȝour bukis, ſua þat þair be na mair memorie þairof, and þat na forther executioune pass þairupoun, bot þe ſamine to remane as forȝett[1] for euir; kepand þis our Precept for ȝour Warrand. At Lynlythgw, þe xxix of Januar, 1566.

Maria R. Fiat.

Murder of 'Secreter Dauid Riccio,' &c.

Jul. 31.—Richert Cranstoun of Skaittiſbuſs, found William Newtoun of that Ilk, ſurety for his entry at the next Juſtice-aire of Edinburgh, within the Conſtabulary of Haddingtoun, &c. 'to vndirly the law, ffor the ſlauchter of vmq^le^ Secreter Dauid Riccio, committit vpoune the nynt day of March laſtbipaſt: And Wacheing and Warding of our ſoverannis lord and ladyis maiſt nobill perſounis, within hir awine Palice of Halyrudehuſe.'

Caution for the Laird of Ormistoun.

Aug. 3.—John Cokburne of Ormeſtoune found Thomas Hammiltoun of Prieſtisfield, burgeſs of Edinburgh, Cautioner for his entry at the next Juſtice-aire of Edinburgh, &c., to underly the law for all crimes to be imputed to him, by Warrant of the Lords of Council.

[1] Forgotten.

Counterfeiting and Uttering 'Lyonis vtherwise callit Hardheidis.'

Aug. 14.—'Andro Jak, burges of Abirdene,' found ſurety (500 merks) to underly the law at the next Juſtice-aire of Aberdeen, for arte and parte of the treaſonabill Counterfutting of thair hieneſſis cunze,[1] callit the prent of Lyonis, vþerwyiſe callit *Hardheidis*;[2] and hamebringing þairof furth of vthir realmes, and outputting of the ſamin amangis thair ſubjectis, incontrair the Actis of Parliament.

(Nov. 11.)—John Robertson, James and John Ewyne, and George Burnet, burgeſſes of Aberdeen, found caution to vnderly the law for the ſame crime.

Convocation — Invading Laird of Pharnyhirst.

Aug. 20.—Alexander, Lord Home, Alexander Home of Manderſtoune, Alex. H. of Hutounhall, Marke Home, ſone to the Lard of Coldinknowis, William Trotter in Foulſchetlaw, and James H. in Chyrneſyde-manys, found ſurety to underly the law at the next Juſtice-aire of Berwick, 'ffor Conuocatioun of thair hieneſſes liegis to the nowmer of ane Thowſand perſones, bodin in feir of Weir, at twa ſindry tymes in þe moneth of September, or thairby, 1564; off the cawſing, ſending, command, and ratihabitioun of Dame Katherine Ker, Lady Pharnyherſt: And cuming to the grund of the landis of Keilling, with thair pertinentis, and vtheris adjacent thairto, lyand within the ſcherefdome of Roxburcht, ffor Invaſioune and perſewing of Sir Thomas Ker of Pharniherſt, kny[t], and vtheris, his kyn, freindis, and ſervandis; at the leiſt trubling (the peax) of the cuntré, lyke as thai trublit and brak the ſamin.'

Slaughter.

Sep. 18.—William Lauder, brother german of Gilbert Lauder of Balbardie, found caution to underly the law at the next Juſtice-aire of Berwick, for the cruel Slaughter of George Wedderat, burgeſs of Lauder, committed in the mouth of September, 1565.—(Sep. 19.) Robert, and Richard, ſon and heir apparent of Robert Lauder of that Ilk, and Robert Lauder, ſon of umq[le] Thomas Lauder in St Leonardis, found caution to anſwer for the ſame crime.

Caution for the Laird of Brighouse.

Sep. 24.—James Wodderspvne of Brighous, now being in Ward within the Palice of Halyrudehouſe, found ſurety (Williame Lauder of Haltoune) that he ſall re-enter in Ward, within twentye dayis nixt eftir he be requyrit be our ſouerannis, in quhat place thai pleiſe, vnder the pane of Fyve Thowſand pundis.

[1] Coin. [2] *Hardits, hardies* or Lions, copper coins, then of the value of three halfpence, but they were afterwards depreciated to one penny by Regent Morton. See Appendix to this reign, for severe examples made on forgers and importers of base money.

Convocation — Invasion — Mutilation.

Sep. 25.—ROBERT and JOHN SANDIS, indwellers in Leith, George and Johne Chalmer, Thomas Dikſoun, George Pantoune, and James Lychtman, found John, William, James, and Adam Logane, and William Lyndſay, in Reſtalrig, and Robert Vauſe, in Leith, ſurety for their entry on xv days warning, to underly the law, after their return from Lochbrune,[1] for Convocation of lieges, and Invading Captain William Blacader, *alias Capitane Williame*,[2] for his ſlaughter, and Mutilating James Donaldſoune his ſervant.—(Oct. 7.) Alexander Dikſoune, in Currie, found caution to anſwer for the ſame crime.

'Umbesetting the gaitt' to Lord Oliphant.

Nov. 14.—LAURENCE BRUCE of Colpmalindeis found Sir Hew Kennedye of Girwanmaynis, knt, ſurety for his entry, on Nov. 27, to underly the law for art and part of Convocation of the lieges, and 'Umbeſetting the gaitt' to Laurence Lord Oliphant for his ſlaughter.

Treasonable Murder of King Henry — Seizing the Queen's person and Imprisoning her in the Castle of Dunbar — Compelling her to Marry the Earl of Bothwell, &c.

[As the circumstances connected with these horrible transactions are already so familiar to all who are in any measure conversant with the history of Scotland, it is considered unnecessary to collect from all the scattered sources the various voluminous Papers which elucidate the whole particulars. It is enough to refer the reader to *Laing's* elaborate Dissertation, *the State Trials*, *Anderson's* Collections, *Keith's* History, &c. Unfortunately, no traces of Trials for this crime now remain in the Books of Adjournal; but the following brief abstract appears in *Sir Ludovick Stewart's* Collections.[3] The *Acts of Parliament*[4] ought likewise to be examined, in farther illustration of the subject, and of all the Trials for Treason and the numerous Forfeitures and Restorations during this and the subsequent reigns.

In THE APPENDIX to this reign, also, the reader will find a great variety of interesting and minute information regarding DARNLEY'S Murder.

The Kirk Session Records of Canongate thus quaintly notices the event: 'THE KING(IS) grace blaven vp vt budr[5] in þe KIRK OF FEILD, the x of Fabruar 1566-(7.)' It is worthy of notice that the same Session Records preserve the following highly interesting minutes of the Solemnization of the Marriage between King Henry and Mary Queen of Scots.

(*From the* MINUTES *of the Kirk Session Record of Canongate.*) Jul. 21, 1565.—'THE quhilk day Johne Brand, Mynifter, prefentit to þe KIRK ane Writtine,[6] writtine be þe Juſtice Clark[7] hand, defyrine þe KIRK OF þe CANNOGAIT and Mynifter þairof to proclame HARIE DUK OF ALBAYNYE, Erle of Rois, &c. one þe one part, and MARIE be þe grace of God QUENE OF SCOTTIS,[8] ſouerane of this realme, one þe vþair part. The quhilk þe KIRK ordans þe Minifter ſo to do, with inwocatioune of þe name of GOD.'

[1] A celebrated station for herring fishers, in Ross-shire. Ullapool is its principal harbour. [2] See his Trial, Jan. 14, 1567. [3] *Stewart's MSS.* Adv. Lib. (among *R. Milne's MSS.*) W. 3. 18, p. 31. [4] Fol. edited by Thomas Thomson, Esq. Deputy Clerk Regsiter. [5] Powder, gunpowder. [6] Writing. [7] Sir John Bellenden of Auchnoull. [8] The pen has been drawn through the words 'OF SCOTTIS.'

(*From the Register of* Proclamations, *Kirk Session Records of Canongate.*) Jul. 29, 1565.—'Henry Duk of Albany, Erll of Rois, Marie be the grace of God Quene fouerane of þis realme —1, 2, 3.[1] Ma(rried) in þe Chapell' (of Halyruid.)

(*From the Register of* Marriages, *Kirk Session Records of Canongate.*) Jul. 29, 1565.—'Henry and Marie Kyng and Qweine of Scotis,' &c.

The fate of the leading parties connected with Darnley's Murder is well known. In reference to Nicholas Howbert, otherwise called *Paris*,[2] the Frenchman, he suffered death on Aug. 16, 1569, as appears from the Lord High Treasurer's Accounts,[3] where charges are made for sending two of the quarters of his body to Perth and Dundee, and his head and one of his legs to St Andrews. His Confession and examination are given at full length in the Appendix of Documents illustrative of Darnley's Murder. They are dated at St Andrews, Aug. 9th and 10th, 1569. These important Papers were obtained from the Originals, which are signed on each leaf by *Paris*, and are still extant.[4] But for the apparently accurate form in which they have been published by *Mr Laing*, the Editor would have deemed it proper to have had them collated carefully with the original MS., preserved in *the British Museum.*

Before concluding this brief notice, the Editor begs to call the attention of the historical enquirer to an extremely interesting Narrative, written by James Earl of Bothwell, embracing his personal history after his flight from Scotland in 1567, his adventures upon the coast of Norway, &c. It has recently been printed from the original in the Royal Library at the Castle of Drottningholm, in Sweden, and was presented by Messrs Henry Cockburn and Thomas Maitland to the Members of the Bannatyne Club, under the title, 'Les affaires du Conte de Boduel, l'An. M.D.XXVIII.'[5] An English translation also lately appeared in the *New Monthly Magazine*,[6] in which work the authenticity of the document is fully established.]

(Apr. 12, 1567.[7])—James Erle of Bothwell,[8] James Ormeftoun of þat Ilke,[9] Hob Ormiftoun, his father-brother, Patrick Wilfoune, William Murray, Sim Arnftrang, callit *Wantoune Simie*, Pareis[10] Frenchman, (dilated) ffor the Murther of King Henrie, our fouerane lord's father, for feizing of the Queen's perfoune at *the Foul-brigis*, and Impriſoning of hir perfoune in the Castell of Dunbar, and compelling her to compleit Mariage with him—for ftuffing and halding of the faid Caftell, &c.

(Apr. 12.)—(Schir) Patrick Hepburne of Whytecastell, kny^t^, for airt and pairt of the Murther of the King, our fouerane lordis father, and vther crymes immediatlie preceiding.

High Treason — Murder of King Henry, &c.

[The Case of Captain William Blackader has not been noticed by *Laing*, although he has otherwise treated so fully of the proceedings against the Murderers of King Henry. The author of

[1] Proclaimed for the first and second times; the *third* time of asking is deleted. [2] The *sobriquet* of 'French Paris' seems to have arisen from the place of his nativity; for he styles himself 'Parisien' in his Confession. See *Laing*, II, 270. [3] See Appendix, No. I, under dates Aug. 16 and 18, 1569. *Laing's* Hist. II, 32. [4] *British Museum*, Calig. B. IX, fol. 370, and Calig. C. I, fol. 318. [5] Quarto; privately printed for the Bannatyne Club, 1829. Copies may be seen in the *Brit. Mus.*, *Adv. Library*, and other public Libraries, &c. [6] See Letter from Mr Granberg, in *New Monthly Mag.* XIII, 521-537. [7] *Stewart* omits to insert the date. This was the first 'diet' assigned to the pannels, as appears by the *Treas. Acc.* [8] See also *Acta Parl.* Fol. edit. for numerous particulars explanatory of the proceedings adopted against him. [9] See his Confession, Dec. 13, 1573, immediately previous to his Execution, in *Laing's* Hist., II, 291; taken from *Anderson's MSS.* [10] This man's name was '*Nicholas Howbert, dict Paris.*' See his Confessions in App. and *Laing's* Hist. II, 270, 281, &c.

'The Hiſtorie of King James the Sext,'[1] from whose work *David Craufurd of Drumsoy* compiled his spurious 'Memoirs of the Affairs of Scotland,'[2] narrates the circumstance very briefly, in these words: 'That ſame verie nycht[3] of hir tranſporting,[4] tua men were tayne as ſuſpect of THE KING'S Murther. The ane was callit *Sebaſtion de Villour*, a Frenchman of nation; the uther was *Capten William Blakater*. This Capten ſhortlie efter was put to the knawledge of a Juré, and was convict; bot at his death wald nowayis confes himſelf giltie of THE KINGIS Murther. The uther eſcapit.'

Birrel, in his 'Diarey,'[5] informs us, that 'the 24 day of Junij *Capitane William Blacketer* wes drawin backward, in ane cairte, from þe Tolbuith to the Croſſe, and ther wes hangit and quartred, for being on THE KING'S Murther.' It will be seen by the Appendix to this reign, that his legs and arms were sent to Stirling, Glasgow, Perth, and Dundee, on Jul. 26, 1567.[6] His quarters were fixed on the Tolbooth of Edinburgh, &c.

The following has been obtained from *Stewart's MS.*[7] Although the memorandum he has preserved is very brief, it has evidently been extracted from the Books of Adjournal, along with the preceding Trial of *Scott* and *Zair*,[8] &c.]

Jun. 14.—CAPTAINE WILLIAM BLACADER wes Convict and Fyllit be ane Aſſyſe of airt and pairt of the crewill, odious, treaſonable, and abominable Slaughter of THE KING'S father, vnder ſilence of night, in his awin ludging within the Burgh of Ed^r, beſyde the (Kirk of) Field: And of the treaſonable raiſing of fyre within the ſamyn, with ane great quantitie of Powder; throw force of the whilk, the ſaid haill lodging wes raiſit and blawin in the aire, and THE KING (HENRY) crewallie and treaſonablie ſlaine and diſtroyit be the ſaid Captaine; vpon ſet purpoſe, prouiſioun, and foirthought fellonie: And this he did vpon the nynth day of Feberij, 1567. For the whilke cryme the ſaid Captaine William wes execute.[9]

High Treason—Murder of King Henry.

[*Mr Thomas Craig, Juſtice-Depute.*]

[ALTHOUGH the following Case properly belongs to the reign of KING JAMES VI., it has been thought preferable to insert it here, rather than in the Appendix. No remarks seem requisite, for the DEPOSITIONS, &c. give a full narrative of the parts which they individually bore in this shocking tragedy *The Lord High Treasurer's* Accounts contain several notices, of which the following may suffice, in this place.

Dec. 14, 1567.—'*Item*, to Walter Bynnyng, Paynter, for Paynting and making of xvj ARMES[10] to þe Parliament, for þE FORFALTOUR of James Erle

[1] Printed for *the Bannatyne Club*, and Edited by Thomas Thomson, Esq. Quarto, 1825, p. 15. [2] First published, 8vo, Lond. 1706. *Mr Malcolm Laing* had the merit of publishing his detection of this impudent literary forgery. [3] *Birrel* says, 'the 17th day of June.' [4] The conducting of MARY QUEEN OF SCOTS to Lochleven Castle, June 14, 1567. [5] Page 10. [6] *Birrel* appears to be a month behind in his chronology; indeed his dates are seldom, if ever, to be trusted. [7] *Sir Lud. Stewart's* MS. Adv. Library, p. 47. [8] See I, * 481. [9] One part of the ceremony of Forfeiture consisted in the Traitor's degradation from his honours and heraldic distinctions, by reversing, erazing, and tearing in pieces his Armorial bearings, &c. [10] 'He went to death ſolemnlie denying the fact. See *Crawfurd's* Memoires, p. 41.' *R. Mylne's* Note.

Boithuile, (James) Ormiſtoun of þat Ilk, Johnne Hepburne of Boltoun, Johnne Hay, ȝounger of Tallo, ... viij li.'

Various payments for summoning Assises, &c. this month. Afterwards these remarkable entries are made.

Jan. 13, 1567-(8).—'*Item*, to Johnne Broune, meſſinger, and ane boy, paſſand of Ed^r with clois Writtingis, togidder with þe HEID of *Powrie*, LEGGIS of *Johnne Hay*, ȝounger of Tallo,[1] and *Johnne Hepburne* of Boltoun, to be affixit on ȝE PORTIS of Glaſgw, Hammiltoun, Dunbertane, Air, and Wigtoun, iiij li. ij š.

'*Item*, to ane boy paſſand of Ed^r to Leith, Hadingtoun, and Jedburcht, with þair LEGGIS to be affixt, ... xxij š.

'*Item*, to thre boyis paſſand of Ed^r with þe reſt of þair ARMES and LEGGIS, to þe Burrowis of Perthe, Dundee, Abirdene, Elgin, and Inverneſs, to be affixt, ... lv š.

'*Item*, for crelis[2] and turſing[3] of þe ſaidis heidis, leggis, and armis; and candle for paking þairof, ... x š.'

The important Documents which are appended to this Trial, contain almost all the additional authentic materials which can now be obtained for clearing up this atrocious Murder.]

JOHNE HEPBURNE callit of BOLTON, Johne Haye apperand of Tallo, Williame Powrie, and George Dalgleiſh, being preſent in judgement in the ſaid Court, to be accuſit of the Dittay after ſpecifeit, were putt to the knawlege of the perſons underwritten, quhilk were lawfully ſummoned to paſs upon þair Affize, choiſin and admittit be thamſelues, and ſworn to deliver upon the points of the ſaid Dittay, viz.

ASSISA.

John Lockart of the Bar,	William St Clair in Gosfoird,	James Freeman, burges of Ed^r,
The Laird of Caprinton,	Laird of Gaſtoun,	Heughe Brown, þair,
James Campbell of Chankſtoun,	Robert Gray, burges of Ed^r,	Charles Geddes,
Heugh Wallace of Carnell,	John Stoddart, þair,	John Watſon,
The Laird of Mochrum,	Williame Strang,	James Ackman.

VERDICT. And immediately aftir the cheſing and ſwering of the ſaidis perſonis of Aſſys, as uſe is, the foreſaid John Hepburne, John Haye, William Powrie, and George Dalgliſhe, being accuſit be dittay, oppinly read in jugement, of the crymes following; and efter the reding, alſwa in jugement, of certain anſweris and Depoſitionis maid be thame of before, at particular examinationis of þame upon þe ſaidis crymes, quhilks þai recognoſcit, and confeſſit to be of verity, in preſence of the ſaidis perſonis of Aſſys; the ſaid perſonis of Aſſys removit furth of the ſaid Court, and all togidder convenit and reſſonit upoun

[1] Robert Kirkcaldie, Porter of the Castle of Edinburgh, afterwards got a payment of L.57 for his expenses while in Ward, viz. from Sep. 10, 1567. [2] Willow baskets. [3] Conveying.

the pointis of the ſaid Dittay, togidder with þe ſaidis Depoſitionis; and ſyne being þairwith rypely avyſit, reinterit in þe ſaid Court of Juſticiarie, and þair, in preſens of the ſaid Juſtice-depute, be þair deliverance, pronouncit and declarit be þe mouth of the ſpekir, John Lockhart of the Bar, chancilar of the ſaid Aſſys, fand and deliverit the ſaids Johne Hepburne, John Hay, William Powry, and George Dalgliſh, to be culpable, fylit, and convict of art and part of the cruel, ſhamefull, treaſonabill, and abhominabill Slauchter and Murther of umquhill THE KINGIS grace, fader to our ſoverane lord, in his awin ludging for the tyme, within the burgh of Edinburt, beſyde the Kirk of Field, quhair he was lyand in his bed, taking the nychts reſt, treaſonably riſand fyre within the ſame, with ane grite quantitie of pouder; through force of the quhilk, the ſaid haill lugen wes raiſit and blawin in the air, and his grace was murderit treſonably, and maiſt cruelly ſlane and deſtroyit by þame þarein: And als, for art and part of the crewall Slauchter and Murther of umquhill William Tailzor, his graces ſervitour, and umquhill Andro Macaig, treſonably, throw raiſing of the ſaid fyre, as ſaid is; committit in the cumpany with JAMES, ſumtyme ERLE BOTHWELL, now rebell, and declarit traitor in Parliment, and at the Horn, in the moneth of Februarie laſt bypaſt, under ſcilence of nycht, upon ſett purpoſes, proviſioun, and forthought felonye.

SENTENCE. And thairfoir the ſaid Juſtice-depute, be dome, pronuncit be the mouth of Andro Lindeſay, dempſtar of the ſaid Court of Juſticiarie, decernit, ordanit, and adjudgit the ſaidis Johne Hepburne, Johne Haye, William Powrye, and George Dalgliſh, to haif committit the crymes of Treſoun and Leſe-Majeſtie; and as manifeſt Traytours, to be demanit as followis; that is to ſay, the ſaid *Johne Hepburne, John Hay, William Powrye,* to be HANGIT to the deid on ane gibbet at the Mercat Croce of Edinburt; and þair HEDDIS, LEGGIS, and ARMIS to be cuttit from þair bodies, and put up and hangin (as for example) on the Portis of Edinburgh, and vther Portis of the principall Borrowis of þis realme, and þair bodies to be BRYNT and conſumit in fyre, beſyde the ſaid gibbett. AND the ſaid *George Dalgleiſh* to be HANGEIT to the deid, and his HEID to be cuttit fra his bodye, and put upon the Port of Edinburgh. AND ſiclyke, decernit and ordanit the ſaidis perſonis, and ilk ane of þame, to haif foirfaltit and tynt all and ſundrye þair landis, heritages, poſſeſſionis, talkis, ſteddingis, lyferentis, actionis, debtis, and all vtheris þair guds, moveables and unmoveables, to be inbrocht, and remaine with our ſoverayne lord, as his eſcheat.

Extractum de libro Actorum Adjournalis S. D. N. Regis, per me Johannem Bellenden de Auchinoule, militem, Clericum Juſticiariæ ejuſdem generalem, ſub meis ſigno et ſubſcriptione manualibus.

JOHANNES BELLENDEN, *Clericus Juſticiariæ.*

Documents illustrative of the Murder of King Henry Darnley.

I. The Depositions of William Powrie.[1]

1. *Apud Edinburgum*, 23 *Junii, An. Dom.* 1567, *in presentia Dominorum Secreti Concilii.*

Williame Powrie, horne in Kinfawnis, seruitor to þe *Erle Bothwell*, deponis, that þe sam day þe King wes slane at night, þe Erle Boithwell, accumpanyit with *James Ormestoune* of þat Ilk, *Hob Ormestoune*, his fader bruther, *John Hepburne of Bolton*, and *John Hay*, ȝounger, ȝeid togidder to ane counsele in the nether hall of þe said *Erle Bothwell's* ludgeing in þe *Abbay*, about four houris eftirnone, or þairby, and remanit þairin twa houris, or þairby; quhat þai did or said, he knawis not.

Item. Deponis, þat *John Hepburne of Bolton*, at ten houres at evin, commandit the deponar and *Pat Wilsoune* to tak up ane carriage of twa maills, the ane ane tronk, and þe vthir ane ane leddirin[2] mail, quhilks were lyand in the said nethir hall, quhilks the deponar and the said *Pat* put on and chargit upon twa horses of my Lordis, the ane being his sown[3] horse, and cariit the same to the ȝet[4] of the enteres of the Black Friers, and þare laid the same down, quhair þe *Erle Bothwell*, acumpanit with *Robert Ormestoune* and *Paris*, called *French Paris*, and vtheris twa quhilks had cloakes about þare faces,[5] met the saidis deponar and *Pat Wilsoun*. And þat ȝoung *Tallo*, the *Lard of Ormistoune*, and *John Hepburne of Boltoun*, wes awaitand vpon þe deponar and *Pat Wilsoun*, within the said ȝet; and þat þare the saidis thre persouns within the said ȝet, ressanit the saids twa charges, quhilks the deponar knew to be pulder,[6] because the same wes in sundry polks,[7] within the said mail and tronk: And þe deponar and said *Pat Wilsoun* helpt þame in with the same; and the powder being taken from þame, the said *John Hepburne of Bolton* sent this deponar for candell, and þat he coft fix halpenny candell fra *Georde Burnis* wife in the *Cowgate*, and deliverit to the said *Johne:* and þat þe saids persouns ressavaris of the powder, bad ane towel with them, with ane littil licht candell; and the saids persouns within the said ȝet oppynit the tronk and mail, and tuck out the polks with the powder: and everie ane of þame tuck yane upon his back, or under his arm, and carryit the same away to the backwall of the ȝaird þat is next the trees; and þair the said *Lard of Ormistoune, Johnne Hepburne of Boltoun*, and ȝoung *Tallo*, ressavit the pulder fra þame, and wald suffer the deponar and his marrow[8] to pass na furdar. And quhen the deponar and his marrow came bak againe to the said Frier ȝet, the twa horss that carryed the said mail and tronk war away, and ȝit þay carryit the saids mail and tronk again to *the Abbay*, and as þay came up the *Black Frier Wind*, the Quenes grace was gangand before þame with licht torches: And þat the deponar and his marrow being cumin to the said Erles ludging in *the Abbay*, thai tarryit þare ane hour or mair, and þan the said *Erle* came in, and immediatly tuk aff his claythes þat wer on, *viz.* a pair of blak velvet hoise, trussit with silver, and ane doublet of satin of the same maner; and put on ane vthir pair of black velvet hoise, and ane doublet of canwes, and tuk his side rideing cloak about him, and incontinent past furth, accumpanyt with *French Paris*, the deponar, *Georde Dagleish*, and *Pat Wilsoun*, and came down the turnpike, and alang the back-wall of the Quenes garden, quhill þai came to the back of the Cunȝie-house,[9] and the back of the Stabillis, while thay came to the *Cannogate*. And deponis, þat as þai came by the gate of the Quenes South-garden, the twa sentinellis þat stude at the ȝet þat gangis to the uttir cloiss, speirit at þame, 'Quha is þat?' And þai answerit, 'Friends.' The centinell speirit, 'Quhat friends?' And þai answerit, '*My Lord Bothwell's* friends.'

Item. Deponis, þat þai come up *the Canongate*, and to the Nether-bow, and findand the Bow[10] steikand,[11] *Pat Willson* cryet to *John Galloway*, and desyrit him to opin the Port to friends of *my Lord Bothwell;* quha came and oppynit the port, and þai enterit, and ȝeid up aboue *Bassyntines*[12]

[1] *Anderson's* Collection, II, 165. [2] Leathern *trunk* or portmanteau. [3] *Soum* or *sowm;* a sumpter horse. [4] Gate. [5] This was termed being '*missillit,*' *i. e.* muffled, masked. [6] Gun-powder. [7] Bags. [8] Companion. [9] Mint. [10] The Nether-Bow Port. [11] Shutting. [12] The celebrated early Scottish Printer.

houſe on the ſouth-ſide of the way, and knockit at ane ſtaire, and callit for *the Laird of Ormeſtone*, and *Robert Ormeſtone*, and nane anſwerit þame: And þai þan ſlippit down ane cloſs beneith *the Frier Wynd*, and come to the ȝet at *the Black Friers*, and enterit in at þat ȝet, and ȝeid quhill þay come to the back-wall and dyke, quhair the deponar and *Pat Wilſon* left the utheris perſouns before expry-mit,[1] with the powder, as ſaid is; and þaire *the Erle Bothweille* paſt in over the dyke, and bad the deponar, *Pat Wilſon*, and *Georde Dalgleiſh* tarry ſtill þair while he come backwart to them. And furder deponis, þat þai tariit þare half an houre, and hard nevir din[2] of any thing, quhill[3] at laſt my lord, accompanyit with ȝoung *Tallo*, and *Johnne Hepburne* of Boltoune, come to the deponar, and vtheris twa perſons being with him, and evin as my lord and thir twa comes to the deponar and his marowis at the dyke, thai hard the crak,[4] and thai paſt away togidder out at the Frier ȝet, and ſinderit[5] quhen þai came to *the Cowgate*, pairt up *the Blackfrier Wynd*, and pairt up the cloiſs which is under *the Endmyllis Well*; and met not quhill þai came to the end of *the Bow*, and ȝeid down ane cloiſs on the north ſide of the gait,[6] to haif loppin[7] the wall of *Leith Wynd*; and þair my lord thoucht it over heich,[8] and came again aback to the Port, and cauſed cry upon *John Galloway*, and ſaid þai war friends of *my Lord Bothwilis*. And *John Galloway* ruſe[9] and let them furth; and ſyne[10] þai paſt down *St Mary's Wynd*, and down the back ȝairds of *the Canongait*, and to the ſaid *Erles* ludging; and as þai paſt THE QUEEN'S Guards before ſpecifyit, ſum ſentinells ſpeirit[11] at þame 'Quha þai war?' and þai anſwerit, þai war 'Friends of my *L. Bothweill*.' And als ſpeirit 'Quhat crak þat was?' And þai anſwerit, 'þai knew not;' and þat the ſentinels bid them, if þai were ſervandis of my *L. Bothweill*, to gang þair way.

My lord come into his ludgeing, and immediately callit for ane drink, and tuk off his cloathes incontinent, and ȝeid to his bed, and tarriet in his bed about half an hour, quhen *Mr George Hackett* come to the ȝet, and knocks, and deſired to be in; and quhen he came in, he appeared to be in ane greit effray, and was black as any pik, and not ane word to ſpeik. *My Lord* enquirit, 'Quhat is the matter, man?' And he anſwerit, 'THE KINGIS houſe is blawn up, and I trow THE KING be ſlayn!' And *my lord* cryet, 'Fy, treaſoun!' And þan he raiſe and pat on his claiths. And þarefter THE ERLE HUNTLEY and mony came in to my lord, and þai ȝeid into THE QUENE'S houſe.

Item. Deponis, þat upon the nixt nicht efter, my lord deſyrit þis deponar, *Pat Wilſon*, *Georde Dagliſh*, *the Laird of Ormeſtoune*, and *Hob Ormeſtoune*, *John Hepburn*, and ȝoung *Tallo*, to keip thair tongues cloiſs, and þai ſuld nevir want ſo long as he had, and þat he ſuld ſend the deponar and *Pat Wilſon* to *the Armitage*,[12] and þat þai ſuld be honeſtly ſuſtainit. And being inquyrit, Gif this deponar, at my *Lord Bothwells* deſyre, ſocht ane fyne lunt[13] of any of the Suddartis?[14] And anſwerit, þat he did the ſame, and gat a piece of fine lunt, of half a ſaddome, or þareby, fra ane of the Suddartis, quhais name he knawis not, and deliverit to *Johne Hepburne* of Boltoune, upon Saturday before THE KINGIS Slaughter.

2. *Apud Edinburgum*, 3 *Julii*, *An. Dom.* 1567, *in preſentia Dominorum Secreti Conciliii.*

WILLIAM POWRIE, re-examined, deponis, þat the carage of the tronk and mail contenit in his former Depoſitioun, were carryed by him and *Pat Wilſone*, upon ane gray horſs þat pertained to *Herman*, page to my lord, at twa ſundry tymes; and war carryed and conveyed by þaim into the place containet in his former Depoſition. And þat at *the Frier-Wynd-fute*[15] þis deponar ſaid to Pat Willſon, at the conveying of the laſt carriage, thir words, 'JESU, *Patt*, quhattin ane gaitt is þis we are gangand? I trow it be not gude!' And he anſwerit, 'I trow it be not gude; but weiſt,[16] hald ȝour tongue!'

Item. Deponis, Quhan the deponar and *Pat Willſon* come to the Frier ȝet with the laſt convoy, and

[1] Expressed. [2] Noise. [3] Until. [4] Explosion. [5] Separated. [6] Street. [7] Leapt. [8] High. [9] Arose. [10] Then. [11] Enquired. [12] The Castle of Armitage or Hermitage. [13] Match. [14] Soldiers. [15] At the foot of the Friar-Wynd. [16] Hist! Hush!

laid the ſame down, *Robert Ormeſtoune* come furth, and ſaid thir words. 'This is not gude like! I trow this purpois will not come to this nycht! I will in and ſe quhat þai are doing.'

Item. þaireftir, quhen the powlder and greaith[1] was carryed inwart, the Deponar tarryand at the dyke,[2] *the Laird of Ormiſtoun* of þat ilk came again, and ſaid to *John Hepburne* and ȝoung *Tallo*, thir words, (Paris Frenchman being with him,) 'Be God, it is fair in field, cum of it quhat will!' And bade the deponar and *Pat Wilſon* gang their way: And at the ſame tyme þat þe deponar and *Pat Wilſon* laid down the laſt carriage at the ſaid *Frier Gait, the E. Bothweill* came unto thame utwith the Frier ȝet, accumpanyit with thre more, quhilks had þare cloaks, and mulis[3] upon þair feet.

Item. Deponis, þat the ſaidis *Johnne Hepburne* of Boltone, upon Saturday at evin, befoir the Kingis Slauchter, brought the mail and tronk quhairin the powlder was, to *the E. of Bothwiles* ludgeing, and laid in the ſame in the neither hall: and the deponar declaris, þat at the laſt horſe cariage he bare up ane toome[4] poulder barrel to the ſame place þai carriet the pulder, and þat he wiſt not how nor be quhome the ſame came in *the Erle Bothweilis* ludging in *the Abby.*

Item. Deponis, þat upon the morne eftir the Kingis Slauchter, viz. Mononday, *John Hepburne* of Boltoun gat ane gray horſe, *Mr Young Tallo* ane broun horſs fra my *L. Bothweill.*

Item. Inquirit, Gif *William Geddes* Depoſition, being red to the deponar, was trew? Declarit the ſame was all trew, except the deponar remembers not quhidder he bad and counſulit this Geddes not to be fund on the gut[5] þat nycht or not.

This is the trew copy of the Depositions of the ſaid William Powry, maid in preſence of the Lords of Secreit Counſall, concordand and agrieand with the principal remainand at the office of Juſticiary, collationat be me, Sir John Bellenden of Auchnoule, Clerk of oure fouerane lordis Juſticiarie, witneſſing my ſign and ſubſcription manual. Joannes Bellenden, *Clericus Juſticiariæ.*

II. The Deposition of George Dalgleish.

Apud Edinburgum, 26 *Junii, An. Dom.* 1567, *preſentibus Comitibus de Mortoun et Athol, Prepoſito de Dundee et Domino de Grange.*

George Dalgliſh, ſeruande in the Chalmer to *the Erle Bothwell*, of the aige of 27 ȝeiris, or þareby, &c., deponis, þat þe Sunday the King was ſlayne at nycht, *the E. Bothwell*, accumpanyit with the *Laird of Ormiſtoune* of þat Ilk, *Hob Ormeſtoune*, his fader-brnther, *Johne Hepburne* of Boltone, *Johnne Hay of Tallo*, ȝounger, war togidder in the neither hall of the ſaid *Erl's* ludging in *the Abby*, abont four houres in the eftirnone, and remained þarein ane hour and a half; and quhat þai did knaws not, be reſſoun the deponar remainit for the maiſt pairt in my lord's chalmer.

Item. Deponis, þat my lord, his maiſter, came to his chalmer abont 12 hours at evin, or þareby, and tnke of his clayths, and chingit his hois and doublet, *viz.* ane pair of hoiſs, ſtocket with black welvet, paſementit with ſilver, and ane doublett of black ſatin of the ſame maner, and put on ane vther pair of black hoiſs, and ane canwes dowblett white, and tnke his ſide riding cloak about him, of ſad Inglifh claith, callit the new colour. And incontinent *the Erle, French Paris, William Powry*, ſeruitor and porter to the ſaid *Erle, Patt Wilſoun*, and the deponar, ȝeid[6] down the turnpike[7] altogidder, and endlong the bak of the Quene's garden, quhill ȝow cum to the Cunȝie-houſe,[8] and the bak of the Stabillis, quhill ȝow com to *the Cannogate*, foreanent *the Abbay* ȝet.[9] And depones, as þay came by the entry of the Quene's South garden, ane of the ſentinels þat ſtude at the ȝet þat gangis to the utter cloiſs,[10] ſpeirit[11] at thame, 'Quhais that?' þai anſwerit, 'Friends.'—'Quhat friends?' 'Friends to my *Lord Bothwell*,'

Item. Deponis, þai came up *the Canogait* to *the Nethir Bow*, quhilk wes ſteikit,[12] and þat *Patt Willſon* cryit to *John Galloway*,[13] and bid him come down and oppin the Port and let þame in, and

[1] *Graith;* materials. [2] Wall. [3] '*Mullis;*' slippers; that their footsteps might not be easily heard. [4] Empty. [5] Perhaps for *gait*, street or way. [6] Went. [7] Spiral staircase. See I * 471. [8] Mint. [9] Gate. [10] That leads to the outer close, or yard. [11] Enquired. [12] Shut. [13] The porter, or janitor.

þat þai tarriet ane gude quhile or[1] *Galloway* came down to let þame in, and ſpeirit at þame, 'Quhat did yow out of þair beds þat tyme of night?' And eftir þay enterit within the Porte, þai ȝeid up abone *Baſſyntines* houſe, on the ſouth-ſide of the gait, and knockit at ane dur beneth the Sword-ſlippers, and callit for *the Lard of Ormeſtounes*, and one within anſwerit, he was not þare: And þai paſſit down a cloiſs beneth *Frier Wynd*, and enterit in at the ȝet of *the Black Friers*, quhill[2] they come to the bak wall and dyke of *the Town-wall*, quhair my lord and *Paris* paſt in over the wall, and commandit þe deponar, *William Powry* and *Patt Willſoun*, to remayne ſtil quhill þai came till þame, and quhatevir þay hard or ſaw, not to ſtur or depart quhill he cam againe: And þat þis deponar and the uther twa tarreit þair half an hour or þareby, and in the meyn time hard no din of any thing, quhill at laſt my lord, accumpanyit with *John Hay*, ȝounger *of Tallo*, *John Hepburne* of Bolton, come to the deponar, and his company, þai hard the crack, and paſt all away togidder out at the Frier ȝet, and ſunderit in *the Cowgait*. *My lord*, *Johnne Hepburne*, and *Pat Wilſoune*, *William Powrie*, and the deponar, ȝeid up ane wynd be-eſt[3] *the Frier Wynd*, and croſſit *the Hiegait*[4] at *the Nether Bow*, to haif loppin the wall at *Leith Wynd*, bot thai thocht the wall over hich, and came agane to *the Port*; and my lord cauſſit cry upone *Johne Galloway*,[5] and ſaid, þai were ſervands of *my lord Bothweill*; and þat he ruſe and oppynit the wickit: Quha it wes þat ruſe, *ignorat*: And ſyne þai paſſit down *St Mary Wynd*, and down the back of *the Cannygait*, and to the ſaid *Erles* ludging, and enterit be the ſame turnpicke þat þai cam furth at. And as þai paſſit by THE QUENE'S gardens, ane of the ſentinels ſpeirit, 'Quha þai war?' And þai anſwerit, þai war 'Friends of my *lord Bothweill*.' And ſo ſoon as my lord came in his ludgeing he eryit for ane drink, and incontinent þareftir tuke off his claythes and ȝeid to his bed, and lay be the ſpace of half ane hour or þareby. And þat *Mr George Hacket* came to the chalmer about half ane hour eftir my lord lay down. Quhan he came in, he apperit to be very effrayit, and my lord ſpeirit, 'Quhat is the matter, man?' And he anſwerit, þat he 'Heard at *the Kirk of Field* like the ſchot of ane cannoun, and, as I hear say, THE KING'S houſe is blawn up, and I trow THE KING be ſlayne!' And incontinent my lord raiſe and put on his clayths, that is to ſay, the ſame hoiſs and dowblet þat he had on upon Sunday, quhilks wer paſſaments with ſiluer; and ſa ſone as my lordis clayths was on, he departit furth of the chalmer, and the deponar remanit ſtill in the chalmer.

THIS is the trew copy of the DEPOSITIONE of the ſaid GEORGE DALGLISH, maid in preſence of THE LORDIS before exprimit, concordand and agreeand with the principall remayning at the office of Juſticiare, collationat by me Sir John Bellenden, knight, clerk of our ſoveraigne lordis Juſticiary, witneſſing my ſigne and ſubſcriptioun manual. JOANNES BELLENDEN, *Clericus Juſticiariæ*.

III. DEPOSITION OF JOHN HAY, ȝOUNGER OF TALLO.

Apud Edinburgum 13 *die menſis Septembris, An. Dom.* 1567, *in preſence of my Lord Regent, the Erles of Morton and Athol, the Lairds of Lochlevin and Petarow, Mr James Magyll, and the Juſtice-Clerk.*

THE quhilk day, JOHN HAYE, ȝOUNGER OF TALLO, being examinit anent THE KINGIS graces Murther, grantit and confeſſit himſelf culpable þareof; and as he wald anſwer before God, deponit and declarit *the Erle Bothwele* his maſters pairt of the ſame, ſa far as the deponar knew, in manner following: that is to ſay, THAT upon the 7 day of Februar laſt bypaſt, before THE KINGIS Murther, *therle Bothweil*, within his chalmer in his ludging in *the Abbay of Halyrudhous*, ſchew to the deponar the purpoſe of THE KINGIS Murther, ſayand their words, or ſielyk, '*John*, this is the mater! THE KINGIS deſtructioun is devyſit, and I mon[6] reveill it unto ye, for an[7] I put not him down, I can not haif an lyfe in *Scotland*. He will be my deſtructioun! And I reveill this to the as to my friend; and gyf ȝow reveill it again, it will be my deſtructioun, and I ſall ſeik this thy life firſt!' And þarwith he

[1] Ere, before. [2] Until. [3] To the Eastward of. [4] High Street. [5] The Porter or under-Keeper of the Nether-Bow-Port, who is frequently alluded to. [6] Must. [7] If.

gave the deponar alſo diverſe admonitions, and alſo fair promiſes to keip the matter ſecret, and to take part with him in THE KINGIS Slaughter, as he had deviſit; and þat þareafter, at evin, in the preſence of *John Hepburn*, callit of Bolton, the ſaid *Erle* proponit the ſamyn matter to the deponar, quhilk *John Hepburn* was on the counſail þairof of before. And *therle Bothwell* ſaid to the deponar, 'I have deviſit it in this manner, and ye ſall do the ſame;' that is to ſay, he ſaid in preſence of *James Ormiſtoun* of þat ilk, and the ſaid *John Hepburn*, thir words, 'The poulder man (*myſt*) be laid in the houſe under THE KINGIS chalmer, quhair THE QUEENE fuld lye, in an barril, gyf it may be gottin within the barril, and the ſame barril ſall haif an hoill at the nether end þareof, and an tre, holit and howkit like an troch, put to the hoill of the barril, and an lunt[1] þareupon, quhilk ſall be fyrit at the far end, and the unfyrit end laid in the hoill of the barril in the pulder.' And this purpos fuld haif been put in execution upon the Saturday at night, and the matter fayllit þat nycht, becaus all thingis war not in reddynes þairfor.

Item, Deponit, þat upon Sunday þarefter, about thre or four houres afternone, in *therle Bothwell's* nedder houſe in *the Abbaye*, the ſaid *Erle*, *John Hepburn* of Bolton, and the deponar, devyſit þat my lord ſuld gang up to the ſaid *Laird of Ormiſton's* chalmer (like as he did) ſua ſone as it was mirk,[2] and þat þare paſt with my lord, quyet on fute. *John Hepburn* of Bolton, the deponar, and *Ade Murray* met þame, and ſum utheris quham the deponar remembers not, at the ſaid *Laird of Ormiſton's* ſtairefute of his chalmer, above *the Bow*, on the ſouth-ſyde of the gait,[3] and þat my lord commandit the ſaid *Ade* and utheris to paſs to *Mr John Spenſis*, and remayne þare quhill he came to þame: And þat my lord, *John Hepburn* of Bolton, and the deponar, enterit in the ſaid *Laird of Ormiſton's* chalmer, quhair þay fand the ſaid *Lard*, and *Hob Ormiſton*, his fader bruther, and an bruther of the *Lards*, quhais name the deponar knaws not, and was put to the dur; and þair þai coafullit quhat gait[4] þai fuld gang to THE KINGIS houſe, becauſe þai had not tane purpois þairupon of before; and ſyne þai ȝeid all down togidder to *the Black Freir* ȝeit, and þe ſaid *Lard of Ormiſton* ȝeid in throw the ald howſis and wallis, and paſt and opynitt the ſaid Freir-ȝet to my lord, the deponar, and the reſt foreſaid. And þat *my lord* and the deponar ȝeid up and down *the Kowgate*, quhile *Wille Powry* and *Pate Willſon* brocht the powder, quhilk was brocht, at twa ſundry times, furth of *the Abbay*, from *the Erlis* ludgeing: And þat the ſame was in a tronk and an mail, and was brought upon *Hermanis* naig, and þat the powder was reſſavit in at *the Black Freir* ȝeit be the ſaid *Lard of Ormiſton* and *John Hepburn* of Boltown, and þat the ſamyn was born in be *Wille Powry*, *Pate Wilſon*, and the ſaids *Lard of Ormiſton*, *Hob Ormiſton*, and the deponar, in the trunk and mail. And þareftir the powder þat was in the trunk was taken furth of the ſame, and put in polks,[5] and the powder þat was in baith the tronk and mail was caryit to THE KINGIS houſe in polks.

And it is of veritie, that *Paris*, *the French man*, was in the nedder houſe, under THE KINGIS chalmer, and had an key of the back-dowr, and then the ſaid *Lard of Ormiſton* paſt in at the ſaid dur, and ſpake with the ſaid *Hob*, his fader bruther, and with the ſaid *Paris*, being both therein, and fand the time convenient, and came furth again, and tauld the ſamyn to the ſaid *Erle* and his cumpany; and þat þai had with þame alſwa a tre and a powder barrel, for to have done as ſaid is: But the barrel was ſo meikle,[6] it could not be gottin in at the dnur: And þan þay tuk all the polks and carried þame within the ſaid laich houſe, and temit[7] þame on the flour in an heip, and the polks weir taken furth again. And þat *my lord* was in the houſe aſoir, and had left the ſaid *Paris* þarein, and the ſaid *Hob* ſtandand at the dur awaitand upon þair coming: And þat the ſaid *Lard of Ormiſtone* ſaid to the ſaid *John Hepburn*, 'Ȝe ken now quhat ye haif to do, quhen all is quyet abone ȝow! Fyre the end of the lunt, and cum ȝour way!' And þareftir the ſaid *Lard of Ormiſton* paſt his way, with *Hob* with him and *Paris*. *John Hepburn* and þe deponar taryit ſtill within the ſaid laich houſe a certain ſpace; and *Paris* lockit the back dur, and the dur þat paſſes up the turnpike to THE KINGIS chalmer, quhair

[1] Match. [2] Dark. [3] Street. [4] Way, road. [5] Bags. [6] Large; bulky. [7] Emptied.

THE KING, THE QUENE, and þe *Erle Bothwell*, and vthers were, and paſſit up to þame, levand behind him the ſaid *John Hepburn*, and the deponar lockit in the ſaid nedder houſe: And as the deponar believes *Paris* ſhew *the Erle Bothwell* that all things were in readineſs, and ſyne ſone þareftir,[1] THE QUENE and THE LORDIS returnit to *the Abbay*, *my lord Bothwell* being in her cumpany. And þareftir *the Erle Bothwell*, accumpanyit with *Paris* and *Georde Dalgliſh*, came to the back ȝard; and the ſaid *Hepburn*, quha had twa keyis of the back dur, lichtit the lunt, and came with the deponar, and lockit the durris after þame, and fand *the Erle of Bothwell* in the ȝaird, quha ſpeirit at þame, 'Gyf they had done that quhilk he had biddin þame, and fyrit the lunt?' And þai anſwerit, 'þat it was done.' And eftir *my lord* and thai tarryit in the ȝaird ane lang tyme; and quhen *my lord* ſaw þat þe matter came not haſtily to paſs, he was angre, and wald have gen in himſelf in the houſe; and the ſaid *John Hepburn* ſtoppit him, ſaying thir wordis, 'Ȝe neid not.' And *my lord* ſaid thir wordis, 'I will not gang away quhile I ſee it done.' And within ane ſchort ſpace it fyrit, *my lord*, *John Hepburn*, the deponar, and *Paris* being gangang at the fute of the aley in the ſaid ȝard. And quhen they ſaw the houſe riſeand, and hard the crack, they ran their way, and come down *the Wynd* fra the ſaid Freir ȝett; and þat *my lord* þareftir paſt to the wall at *Leith Wynd*, to have paſt over it, but becauſe he thocht it over hich, he ſturrit þairwith, and came back again to *the Nedder Bow*, and paſt furth at *the Port*, after *Johnne Hepburne* had cried upon *John Gallaway*, porter, and cauſſit him oppin the Port; and that the ſaids *John Hepburn* and *Georde Dalgleiſh* paſſit afore with my lord, and ſone þarefter the deponar and *Paris* followit; and the deponar paſſit to his bed, in *John Hepburns* in *the Canongait*, and *my lord* paſſit to his awin ludgeing to *the Abbay*.

IV. THE DEPOSITION OF JOHN HEPBURN, CALLED 'JOHNNE OF BOWTOUN.'

Apud Edinburgum 8 *die menſis Decembris, An. Dom.* 1567, *in preſence of my Lord Regent, the Erle of Athol, the Lord Lindſay, the Lard of Grange, and the Juſtice-Clerk.*

THE quhilk day, JOHNNE HEPBURNE, callit *Johnne of Bowtoun*, being examinit upon THE KINGIS Murther, grantit himſelf culpable and gilty þairof: and as he wald anſwere before God, deponit and declaryt *the Erle of Bothweile* his maiſters part of the ſamyn, ſo far as the deponar knew in this matter, that is to ſay; The firſt tyme þat evir *the Erle of Bothwile* ſpake þis matter of THE KYNGIS Murther to the deponar, was ane day or twa aftir the bringing of the powder furth of *Dunbar*; at quhilk tyme he ſaid to the deponar in this manner, 'Thair is ane purpois diviſit amongs ſome of the Noblemen, and me amongs the reſt, þat THE KINGE ſall be ſlane; and that every ane of us ſall ſend twa ſervandis to the doing þarof, owther on the fields, or otherwiſe as he may be apprehendit!' And þan deſirit þe deponar to be ane of the entrepryſers for him: Quhais anſwer was, 'þat it was ane evil purpois, and ȝit, becaus he was ſervand and couſignance[2] to his lordſhyp, he wald do as vtheirs wald, and put hand to it.' One the morne þareftir, he callit *James Ormiſton* of that Ilk, the deponar, and *John Hay*, ȝounger of Tallo, and break the purpois to þame; and maid the like declaratioune to þame, þat vthir Noblemen had had as far enteres as he in þat matter: And þai maid to him evin ſic anſwer as he had done. Quhether my lord had ſchewed þame þe purpois of beſoir or not, þe deponar knawes not. Swa every day þare was tauking amongis þame of the ſamyn purpois, quhill within twa dais before þe Murther, þat the ſaid Erle changed purpoiſe of the ſlaying of THE KINGE one the ſeildes, becauſe þan it wald be knawn, and ſchew to þame quhat way it mycht be uſit better be þe pulder. And on the Sunday, in the gloming[3] before nicht, þe 9 daie of Februar laſt bepaſt, the deponar ſend þe ſaid *Johne Hayes* man for ane tome[4] poulder barrel to the man quhilk *Johne Haye* had coft[5] the ſame fra, þat dwells above *Sandie Bruces* cloiſe-heid. At evin my lord ſuppit in *Maiſter Johne Balfour's* hous, quhare *the Biſchop of Argyle* maid the banket: And eftir ſupper *my lord* came up the gait, and þai all with him to the ſaid *Lard of Ormeſtonis'* chalmer; quhair þe deponar and *Johne Haye* paſt in, and

[1] And then, soon thereafter. [2] Cousin-german. [3] Twilight, dusk. [4] Empty. [5] Purchased.

fand the faid *Lard* and *Hob Ormiftoun* his fader bruther; and as þe deponar rememberis, þat was the first time þat *Hob* knew of þat matter, and þair þai fpake togidder, and my lord fchewit þame þe maner: And the deponar, the faid *Lard of Ormiftoune, Hob Ormiftone,* and *Johne Haye,* paft to the fute of *the Black Freir Wind,* haveing fent away *Wille Powry* and *Pate Wilfone* for the poulder. And before þar comming furth of the faid chalmer, *my lord* departit with his fervandis; quhair þe deponar knawes not. And the faids foure being togidder, as is befoir wryttin, at the fute of the *Freir Wind,* the faid *Willie Powry* and *Pate Wilfone* cum agane with the poulder, quhilk was brocht at two times in ane tronk and ane mail; and þai carreit it in at *Black Freres 3et:* And quhen þai war changing þe pulder furth of the tronk in polks, my lord come and fpeirid 'Gyf all was redy? And bad þame haift before THE QUEENE cum furth of THE KINGIS houfe; for gyf fhe come furth before þai wer reddy, þay wald not find fic commodity. And þan þe pulder being put in polks, the faids *Lard of Ormiftone, Hob Ormiftone,* this deponar, *Johne Haye, Willi Powry,* and *Pate Wilfone* turfit[1] up the pouder to THE KINGIS houfe, and fand *Paris* at the dur, quha openit the famyn; and þay affayit to haue taken in the faid barrell, and it wald not gang in at the dur; and þan þai liftit the famyn, and brocht it back to the 3aird, and had in the pouder, and tuming it furth of the polks in ane bing and heip upon the flur, evin directly undir THE KINGIS bed. And þan þe faid *Laird of Ormeftone, Hob Ormifton,* and *Paris,* paft away, and left the deponar and *John Hay* within the faid houfe; quhilks tarryit þarein quhill efter twa houres after mydnight, and þan tuk ane lunt, with ane litle tre[2] quharon it lay, and placit þe fame, þe ane end in the pouder, and fyrit þe vthir end, and cam þair way, and lockit þe thre duris behind þame: And at þair cuming furth to the 3aird, þay fand *my lord Bothwell, Geordie Dalgleifh, Pat Wilfon,* and *Willie Powry:* And my lord fpeirit at them, 'Gyf þay had done all things as was ordourit?' And þai faid, '3ea:' And þai tarryit upon ane quarter of ane hour þaireftir. And my lord thocht lang,[3] and fpeirit 'Gyf þair was ony part of the houfe þat they mycht fe the lunt, gyff it was burnand anouch?' And þai faid, 'þare was nane but ane wundo quhilk wes within þe clois:' And as they war fpeeking upon it, the houfe begouth to take fyre and blew up; and þai ran away, and cum up *Black Freir Wind,* and 3eid down ane clois to baif gottin over the broken wall at *Leith Wind,* but my lord thocht it over heich to loup, becaufe of his fair hand; and fwa returnit to þe *Neddir Bow,* and walkynit[4] *John Galloway,* portar, quham þai gart cum down and opin the 3et: And *Willie Powry, Paris,* and *John Haye,* 3eid evin down *the Cannongait,* and *my lord,* the deponar, *Pat Wilfon,* and *Georde Dalgleifh,* 3eid down *Saint Mary Wind,* and behind the 3airds unto my lordis ludgeing in *the Abby.* And in þair by-ganging, twa of the watchis fpirit,[5] 'Quhat þai were?' and þe deponar anfwerit, 'We are fervands of *the Erle Bothweill,* gangand to him with news out of the town.' And fwa my lord paffit to his bed, and þis deponar lay down in ane bed in þe hall. And fone þareftir *Mr George Hackett* came in, quha told, þat the houfe of *the Kirk of Field* was blawn up in the hair,[6] and THE KING flain. And within fhort fpace þairafter my lord Huntley came in, and *my lord Bothweill* raifs and put on his claithis, and paffit into THE QUEENIS houfe. And the deponar tarryit fum tyme þareftir, and cumand furth, fand *the Abbay-3eit* clofit; and þan þe deponar fand the faid *John Hay* in his bed in *John Hepburns,* and lay down with him.

Item. Deponis, þat þare wes fourteen fals keys maid for oppyning of all the lockes of the dures of THE KINGIS ludgings at *the Kirk of Field;* quhilk the deponar, eftir the committing of the faid Murther, keift[7] in *the Quarie-hole* betwix *3e Abbay* and *Leith.*

THIR ar þe true copies of the Depofitionis of the faid JOHN HAY, 3ounger *of Tallo,* and JOHNE HEPBURNE, callit *of Boutoune,* maid in prefence of MY LORD REGENT, and THE LORDS before mentionit, in manner befoir expremitt, concordant and agreand with the originalis, quhilks are remainand

[1] Conveyed, carried. [2] A piece of wood, hollowed out into the shape of a trough, to hold the train or match. [3] Grew impatient. [4] Awaked from his sleep. [5] Watches or sentinels enquired. [6] Air. [7] Cast, threw.

in the Jufticiarie, collationate be me Sir John Bellenden of Auchinoul, knight, Clerk of our foverane lordis Jufticiary. JOHANNES BELLENDEN, *Clericus Jufticiarie.*

V. THE CONFESSIOUN OF JOHN HABROUN,[1] YOUNG TALLA, DAGLEISH AND POWRIE, *upon quhome was Jufticie execute the 3d of Januarie, the yeare of God* 1567.

JOHN (HABROUN) *of Bowton* confeffit that nyne was at the deid doing, my L. Bothwell, the lord of Ormiftoun, Hob Ormiftoun, himfelf, Talla, Dagleifh, Wilfon, Pourie, and French Paris; and that he faw na moe, nor knew of na other companies.

Item. He knowis nat other but that, that he was blowin in the ayre; for he was handilit with na mens' handes, as he faw; and if he was, it was with others and not with tham.

Item. As touching *Sir James Balfour,* he faw not his fubfcriptioun; but I warrand you he was the principall counfallar and devifer.

Item. He fayd, I confeffe it is the veray Providence of God that hes brought me to his judgement; for I am led to it as an horfe to the ftall, for I had fchippis providit to flie, but could not efcape.

Item. He fayd, let no man do evill for counfall of great men or thayr maffers, thinking thay fhall fave tham; for furely I thought that night that the deid was done, that although knowledge fhould bene gotten, na man durft have fayde it was evill done, feing the hand writtis, and acknowledging THE QUENIS minde thairto.

Item. Speaking of THE QUENE in the Tolbuith, he faid, God make all weill, but the langer deirt[2] is hydden, it is the ftronger. Quho lives, our daithes will be thought na newis!

Item. Hinmeft,[3] he confeffit, he was ane of the principall doers of the daith, and thairfoir is juftly worthy of daith; but he was affurit of the mercy of God, quho callit him to repentance.

ITEM. TALLA confeffit, *ut fupra,* agreing in all pointes as concerning the parfons, number, and blowing in the ayre.

Item. He affirmit, That in *Setoun,* my *Lord Bothwell* callit on him, and fayd, 'Quhat thought you quhen thou faw him blowen in the ayre?' Quho anfwerit, 'Alas! my lord, quhy fpeak ye that? For quhen ever I heare fic a thing, the wordes wound me to death, as they ought to do you!'

Item. That fame tyme he faw *Syr James Balfour* put in his owne name and his brother's unto my *Lord Bothwelles* Remiffioun.

Item. He knew of the deid doing three or four days or[4] it was done, or thereby.

Item. He fayd, 'After that I came to the Court, I left the reading of God's worde and imbrafit vanitie; and thairfoir hes God juftly brought this on me.'

Quhairfoir, let all men flee evill cumpany, and to truft not in men; for redy are we to imbrace evill, as redy as bardes[5] to receive fyre. And further, in the Tolbuith he requyrit *John Brande,* Minifter of the Congregatioun, to paffe to my *Lord Lindfay,* and fay, 'My lord, hartily I forgeve your L., and als my lord REGENT, and all others, but fpecially tham that betrayit me to you; for I know if ye could have favit me ye would; defiring you, as ye will anfwere before God in the latter day, to do your diligence to bring the reft, quho was the beginners of this worke, to juftice, as ye have done to me; for ye know it was not begunne in my head. But yit praifes God that his juftice hes begunne at me, by the quhilk he hes callit me to repentaunce!'

ITEM, DAGLISHE fayd, 'As God fhall be my judge, I knew nothing of THE KINGES daith befoir

[1] Vid. *Buchanan's Detection,* English Edition, &c. [2] Dirt; *stercus.* [3] Finally. [4] Ere, before. [5] *Dr Jamieson* interprets this word to denote 'that part of boiled food that adheres to the pot,' (in which *sowens,* porridge, &c. have been prepared.') The Editor believes the phrase here signifies '*as brands for the burning,*' in the Scriptural sense. From O. F. *hars* or *hardes;* twigs, *rice,* brushwood, &c. It is now almost obsolete.

it was done; for my *Lord Bothwell* gangand to his bedde, after the taking of of his hofe, quhilke was ſtockit with velvet, *French Paris* cum and roundit[1] with him; and thairefter he taryed on me for other hofe and claithis, and his riding cloke and ſworde, quhilke I gave him; and herefter cum up the gait to the *Lord*[2] *of Ormiſtoun's* lodging, and taryit for him; and therefter that, he paſſit to ane Wynd beſide *the Blacke Fryers,* and cum to the ſlope of the dike, quhair he gart me ſtand ſtill; and as God ſhal be my judge, I knew nathing quhill I heard the blaſt of powder: And after this he cum hame, lay downe in his beid, quhill *Mr George Hakit* cum and knockit at the doore. And if I dye for this, the quhilke God judge me gif I knew maire, quhat ſhal be done to thame quho was the deviſers, counſallars, ſubſcrivers, and fortifiers of it?'

VI. The Deposition of Thomas Nelson,[3] 'cubicular' to King Henry.

Thomas Nelson, ſumtyme fervand in the chamber to wmquhill King Henry, of guide memory, of Scotland, examinat upoun his conſcience, declaris that he was actuall fervand to the King the tyme of his Murthour and lang of beſoir, and came with him frome Glaſgow, the time the Queene convoyit him to Edinburgh.

Item. The deponar remembris it wes dewyſit in Glaſgow, that the King ſuld haif lyne firſt at Craigmyllare: bot, becaus he had na will thairof, the purpois wes alterit, and concluſioun takin that he ſuld ly beſide the Kirk of Feild: At quhilk tyme this deponir belevit evir that he ſuld haif had the Duikis houſe;[4] and knew na uther hous, quhill the King lychtit, at quhilk tyme he paſt directlie to the ſaid Duikis houſe, thinking it to be the lugeing preparit for him: Bot the contrare was then ſchawin to him be the Quene, quha convoyit him to the uthir hous; and at his cuming thairto, the ſchalmir wes hung, and ane new bed of black figurat welwet ſtanding thairin. The keyis of the lugeing wes partlie ſtanding in the durris, and pairtlie deliverit to this deponir be Robert Balfour, awnir, all except the key of that dur, quhilk paſſit throuch the ſellare and the town wall, quhilk culd noht be had, and thairfore Bonkle in the ſellare ſaid, he fuld clois it weill aneuch within; quhilkis keyes wes keppit and uſit be this deponir and utheris, the Kingis fervandis, quhill the Quenis cuming to the lugeing: At the quhilk tyme, the key of the laich chalmir undir the King, quhair ſche lay tua nytis, viz. the Wednifday and Fraday beſoir his Murthour, with the key of the paſſage that paſt toward the gardin, wer deliuerit in the handis of Archibald Betoun, as the deponir rememberis; quhilk Archibald wes yſcheare of the Quenis chalmer dour: Beſoir quhilk tyme of the Quenis lying in the Kingis lugeing, the tua nytis above namyt, ſche cauſit tak doun the uttir dour that cloſit the paſſage towart beith the chalmeris, and cauſit uſe the ſamyn dour as a cover to the bath fatt,[5] quherin he wes baithit: And ſua ther wes na thing left to ſtope the paſſage into the faidis ſchalmeris, bot only the portell durris. As alſua, ſche cauſit tak doun the ſaid new blak bed, fayand, it wald be fulzeit[6] with the bath; and in the place thairof, ſett upe ane auld purple bed, that wes accuſtomat to be carit; and the faidis keyis that wer deliverit in the handis of Archibald Betoun remanit ſtill in the handis of him and utheris that awaitit upon the Quene, and nevir wer deliverit agane to the Kingis fervandis: For ſche ſett upe ane grein bed, for hir ſelf, in the ſaid laich chalmir quherin ſche lay the faids tua nytis, and promiſt alſua to haif bidden thair upoun the Sounday at nyt. Bot eftir ſche had tareit lang and intertenit the King verey familairlie, ſche tuk purpoiſe, (as it had bene on the ſuddan,) and departit, as ſche ſpak, to gif the maſk to Baſtyane, quha that nyt wes mareit hir fervand, namelie, the ſaid Archibald Betoun; and ane Paris Francheman havand the keyis of hir ſchalmir, quherin hir bed ſtuid in, as alſua of the paſſage that paſt towart the gairding: For quhen the Quene wes thair, hir fervandis had the keyis of the haill houſs and durris at hir commandement; for upon the nyt ſche uſit, with the lady Rereis, to ga furth to the garding, and ther to ſing and uſe paſtyme. Bot fra the firſt tyme that ſche lay in

[1] Whispered. [2] Laird. [3] *Anderson's* Collections, IV, 165. The Original is marked with Secretary Cecil's hand. [4] Hamilton-house. [5] A bathing *vat.* [6] Soiled, *sullied,* tarnished.

that lugeing, THE KINGIS ſervandis had nevir the key of hir ſaid ſchalmir agane. THE QUENE being departit towart Halyrud hous, THE KING, within the ſpace of ane hour, paſt to bed, and in the chalmer with him lay wmquhill William Taylyour. This deponir and Edward Symonis lay in the litill gaylery, that went dervict to ſowth oute of THE KINGIS ſchalmir, havand ane windo in the gawill throw the Toun-wall, and beſyde thame lay William Tailzeir's boy; quhilks nevir knew of ony thing quhill the hous quherin they lay wes fallin about thame; oute of the quhilke, how ſone this deponir could be red,[1] he ſtuid upoun the rwynous wall quhill the pepill convenit, and that he gat claithis and ſua depairtit, quhill on the Monounday at efter none he was callit and examinat; and amangis utheris thingis, wes inquiret about the keyis of the lugeing, this deponir ſchew that Bonkle had the key of the ſellare, and THE QUENIS ſervandis the keyis of hir ſchalmir: quhilk the laird of Tulybardin hering, ſaid, 'Hald thair, heir is ane grund.' Eftir quhilk wourdis ſpokin, thai left of and procedit na farther in the inquisition.

VII. DEPOSITIONS OF (FRENCH) PARIS, SERVANT TO THE S(COTCH) Q(UEEN), AND PRESENT AT THE MURDER OF HER HOUSBANDE.

1. *S'enſuyt*[2] *la Declaration et Depoſition de* NYCOLLAS HAUBERT, *dict* PARIS, *Pareſien, touchant la Morte et Meurtre du feu* ROY HENRY D'ESCOSSE; *au Meurtre duquel le dit Haubert eſtoit preſent, avec le Conte de Boduel et les autres ſes adherens: Ceſte Depoſition fut faicte à Sainct Andrieu, ſans ce que le dit Paris fut contraint ni interrogué, de ſon propre mouement et voulloir pour s'en deſcharger comme il deiſt, et ce le* ix*me. jour d'Aouſt,* 1569.

Et primierement, il deiſt,

JE confeſſe icy, devant Dieu et le monde, que le Mercredy ou le Jeudy après diſner de la ſepmain donct le dict meurtre du feu ROY fut commis, moy eſtant en la chambre de LA ROYNE à *Kerkafield*, en compaignye de pluesieurs aultres attendant LA ROYNE, qui eſtoit à la chambre du ROY, *Mons. de Boduel* vint à la chambre de LA ROYNE là où j'eſtois, et me deiſt en l'aureille, '*Paris*, ie me trouve mal de ma malladye que tu ſçais qui eſt mon flux de ſang, ne ſçais-tu point quelque lieu la ou ie porray aller faire mes affaires?' 'Ma foy, ce dict-ie, je ne fut jamais icy qu'à ceſte heure-cy, mais ie m'en vois chercher quelque lieu.' La-deſſus ie trouve ung coing ou trou entre deux portes, et le va dire; 'Monsr. venez-vous-en, ſy vous eſtes otant preſsé!' Et eſtans la dedans, ie ferme la porte ſur nous, et luy oſte ſa robbe, commencant à le deſtaſcher. Il me regarde, et me demande comment ie me portoys? luy diſant, que ie me portoys bien, la grace à Dieu et à luy, me tenant pour bien recompenſe du ſervice que luy avois faict de m'avoyer faict donner l'eſtat de varlet de chambre ches LA ROYNE. Il me reſpondiſt, que ce n'eſtoit pas aſſes, et qu'il me feroit davantage. Je luy dis, que ie me contentois, et que ie ne pouvoys davantage à la maiſon de LA ROYNE, voyant mon equalité, et que ie me contentois. Il me dict que ie me ne chomneroys de rien que ie luy diſe, car diſoit-il, Tu m'ais faict bon et loyal ſervice depuis qu tu m'a ſervy; car ie ſçay que tu as couvert mon deſhonneur que tu avois occation de fouller quant tu vins de mon ſervice hors *d'Angleterre*. Monsr. ce dict-ie, ie nay faict que tor de ſerviteur. Et bien, ce dict-il, pour autant que ie t'ay trouvé fydelle ſerviteur, ie te veulx dire vne choſe, mais il te fault garder ſur ta vie que nul ne le ſache. (Monsr. ce di-ie) il n'apertient au ſerviteur quant le maiſtre luy dit quelque choſe de le reveler, et s'y eſt choſe que vous penſes que ie ne puiſe garder, ne me le dictes point. Sçais-tu (ce dict-il) que c'eſt; c'eſt que ſy ce ROY-là qui eſt la d—— a jamais les pieds ſur nous aultres Seigneurs, il nous voult dominer et eſtre cruel, et de nous autres Seigneurs ne le voullons pas ſouffrir, et auſſy ce n'eſt la façon de ce pais, et pour cela nous avons conclud nous aultres de le faire ſault—de dedans ceſte maiſon en l'air avecques de la pouldre, de oyant ie ne le dis mot ains baiſſe la veue baſſe mon ſens et mon cueur ce tourne de

[1] Extricated from the ruins. [2] *British Museum*, CALIG. B. IX. fol. 270.

l'avoyr ouy ainſy parler. Il me regarde, me demandant que ie penſe? Monsr. (ce di-ie) je penſe à ce que vous me dictes, qui eſt une grand choſe. Qu'en penſe-tu? (ce dit-il) Que j'en penſe, Monsr.? (ce di-je) vous me perdonnerez ſy ie vous die ſelon mon pouvre eſprit ce que i'en penſe. Que veulx tu dire? (ſe dit-il), tu veulx preſcher. Non, Monsr, vous orres. Et bien (ſe dit-il) dis, dis! Monsr. (ce di-je) depuis cinq ou ſix ans que ie vous ay faict ſervice, ie vous ay touſiours veu en grands troubles, et n'ay ſceu jamais voyr d'amis qui ayent faict pour vous; maintenant, Monsr. vous eſtes hors de tous ces troubles, la grace à Dieu, et plus en court à ce que tout le monde dict que jamais; pour ma part, ie voye que chaſcung vous faict la court, petis et grands, mais ie ne scay pas que vous rit qui vous veult veoyr aultrement, ie ne scay pas vous eſtes du pais Monsr. Davantage l'on dict que vous eſtes le plus grand terrien de ce pays icy, et auſſy que vous eſtes marie qui eſt l'heure quant vng homme prend ce ply la que il ce fault areſter ou jamais. Maintenant, Monsr. ſy vous entreprenes ceſte choſe-là qui eſt grande, ce ſera le plus grand trouble que vous euſtes jamais, par deſſus les aultres, car chaſcum cryera 'ha harault!' ſur vous, et vous le voyres. Et bien (cedit-il) as-tu faict? Vous me perdonnerez, Monsr. s'il vous plaiſt, ſy ie vous ay dieſt ſelon mon pouvre eſprit (ce di-ie). Et beſte que tu es (ce dict-il) penſe-tu que ie ſay cecy tout ſeul de moy meſme? Monſieur, ie ne ſçay pas comment vous le faictes, mais ie ſçay bien que ce ſera le plus grand trouble que vous euſtes oncques. (Ce dict-il) et comment ſera-ce? car i'ay diſia *Leddington* qui eſt eſtymé l'ung des meilleurs eſpricts de ce pais-cy, et qui eſt l'enterpreneur de tout cecy; en apres j'ay *Monsr. d'Argyle* mon frere, *Monsr. de Hontlye*, *Monsr. de Morton*, *Ruthen*, et *Lindeſay*. Ses trois-là une foys ne me fauldront jamais, car j'ay parlé pour leur grace; et ay tous les ſignes de ceulx-cy que ie t'ay nommes, et auſſy avons envie de le faire dernierement que nous fuſmes à *Cragmiller*, mais c'eſt que tu es un beſte et pouvre d'eſprit, qui ne merite d'entendre choſe de conſequence. Ma foy, Monſieur (ce di-ie) il eſt vray, car mon eſprit n'eſt point pour telle choſe, mais bien pour vous faire ſervice à ce que ie porray, et bien bien Monsr., ilz vous porront bien faire maiſtre et principall de ce faict-là, mais quant ce ſera faict ilz porront auſſy mettre le tout ſur vous, et les premiers qui cryeront 'ha harault!' apres vous, et les ceulx qui vous boutteront le premier à mort, s'ilz peuvent. He! Monsr., ie vous prie m'en dire d'ung que vous ne m'aves point nommé; ie ſçay bien que ceſtuy-la eſt aymé en ce pais du commuen peuple, et auſſy de nous autres *François*, que quant il gouvernoyt l'eſpace de deux ou trois ans, il n'avoyt point de troubles au pais, tout le monde ce portoit bien, l'argent corroit, maintenant ou ne peult veoyr homme qui ait moyen, et ne voyt-on que troubles; ceſtuy-la eſt ſage et ſy a des amys allies. Qui eſt ceſtuy-la? (ce me dict-il). Ceſt Monsr. (ce di-ie) *Monsr. le Conte de Morra:* je vous prie me dire quelle part ceſtuy-la prend? (Ce dit-il), il ne ſe veult point meſler. Monsr. (ce di-ie), il eſt ſage. Adonc *Monsr. de Boduel* retorne la teſte vers moy et me deiſt, *Monsr. de Morra*, *Monsr. de Morra*, il ne veult n'ayder ne nuyre, mais c'eſt tout ung. Bien, bien, Monsr. (ce di-ie) il ne le faicte ſans cauſe, et vous le voyrez. La-deſſus il me commande de prendre la clef de la chambre de LE ROYNE à *Kirkafilde*. Je luy dis, Monsr. vous me perdoneres, s'il vous plaiſt, pour autant que ie ſuis eſtrangier, et auſſy que ce n'eſt mon eſtat, l'huyſſier me porra demander que i'en veulz faire et-il aura raiſon. Et pourquoy (ce dit-il) n'eſt-tu vallet de chambre de LA ROYNE? Il eſt vraye, Monsr. (ce di-ie) mais vouz ſçavez qu'à la maiſon d'ung Prince chaſque officier à ſon office, et entre les autres l'huyſſier a le ſien, l'eſtat duquel eſt de garder la clef de la chambre. Pourquoy donc (ce dict-il) t'ay-ie mis à la chambre de LA ROYNE ſy non pour en tyrer du ſervice? Helas! Monsr. (ce di-ie) c'eſt bien pour vous faire ſervice à ce que ie porrois, mais je penſois en moy meſme ſans rien dire (le craignant) ſi j'euſſe penſé telle choſe, iamais la chambre ne m'euſt chambree. La-deſſus il s'en alla de moy de ce trou ou coing-la, ou il avoit faict ſes affaires. Luy eſtant party de moy, je prens mon manteau et mon eſpee et m'en voys pormener dans la grand eſgliſe, et penſoys en beaucoup de fortunes que j'avoys du paſſé eſchapies de luy, et commencois à remercier Dieu qui m'avoit delyvré d'aveques luy, luy demandant du bon cueur d'eſtre hors de ſa compaignie pour autant que ie congnoyſſois ſes vices fort terribles, et princi-

pallement ung donct l'on dict que j'en suis sy bon serviteur, me reportant à Dieu, qui congnoit ce que luy en ay dict, comment ce seroyt sa ruyne. Plus de six ans il y a, et qu'il soit ainsy qu'on demande au *Lard de Petincreif*, qui a ouy parler pourquoy je sortis de son service hors d'Angleterre: il me battist et me tormentast à coups de pied sur le ventre, pour me faire faire chose que ie n'avoys envie de faire, donct il m'en à remercié en *Escosse*, que i'avoys couvert son honneur la ou i'avois occasion de le souller. Apres avoir pensé à tout cela pour me resouldre de ce faict meschant que i'avoys entendu et qu'il m'avoyt dict, ie demande à mon Dieu, qu'il me conseillast voyant le faict sy grand il estonnoit mon esprit; et que sy à ceste heure-la *Monsr. de Croque* eust esté en ce pais, ie n'eussé point esté en ceste peine icy. Quant ie vis qu'il ny avoit aultre remede que d'avoyr patience, et qu'il ny avoit chemin pour m'en aller sy non par *Angleterre*, la ou j'eussé esté prins et arresté per faulte de passeport, et aussy que cest trahayson contre le Prince au serviteur de s'en aller sans congé, et aussy que ie ne sceu prouver pourquoy ie m'en allois sy non per *Monsr. de Bodvel* qui ne m'eust iamais advoue; voyant comme chascun peult pensier que cela gysoit beaucoup à son honneur, et à des aultres Seigneurs à ce qu'il me disoit. Or doncques ce chemin-la ne me vallut rien, je me resoulz dessus ung poynt que sy ce meurtre ce feroit de brief c'estoit ma ruyne, pour autant que ie cognoyssois l'homme qui n'eust iamais failli de moy commander, et s'il y auroit dix ou douze jours entre deux, j'auray esperance de bien faire, car s'il va navire de quelque coste que soyt, qu'en *Angleterre* j'estoys delibere de me desrober pourquoy ie me resoulz au sortier de l'esglise de scavoyr de luy quant ce seroyt. De Vendredy doncques ie m'en vois à luy à sortier de sa chambre, comme il alloit chez LA ROYNE, et aussytot qu'il me veist il me demande sy ie avoys prins ceste clef. Je luy dis que je regarderoys a le faire; il me dict que je ne faillisse dont point, car c'estoit à Dymanche qu'ilz voulloyent faire à mettre leur faict en execution. A ceste heure-la je fors d'avecques luy plus fasche que iamais, et m'en vais sur le chemin du petit *Leith* tout expres pour trouver navire; et quant ie fus a moytie chemin ie dysoys en moymesme, or est-il bon a voy que tu as l'esprit bien perdu, pour autant qu'il ny a plus que de main entre deux, quant ores le vent seroyt bon, as-tu la puissance de louer ou fretter une navire tout seul ou expres; la-dessus ie m'oste du grand chemin et me destorne à part, priant Dieu de me conseilleir, car de faire bruyt de cela j'estoys morte. Ceste jour-la, ce passe en ce point, et aussy le Samedy toute la matynée. L'apres disner il me demande encores ceste clef; je luy dis, Monsr., helas! comment le feray-je? Pourquoy (ce dict-il) qui t'en gardera? N'es-tu pas serviteur de LA ROYNE? Il est vray, Monsr., mais ce n'est point mon estat de prendre les clefs. Mais dy moy (ce dict-il) et pourquoy? Une foys ie ne le veulx rien commander en ce faict-la. J'ay des clefz asses sans toy, car il n'y a porte ceans donct je n'ay le clef, car *Monsr. Jacques Balfor* et moy avons esté toute la nuycte pour veoyr et chercher le meillieur endroit et passage pour executer nostre affaire, et pour trouver bonne entree; mais ceste qui tu es une beste, car ie ne te veulx employer en ce faict-la, car j'ay des gens assez sans toy, et aussy que je sçay que tu n'as point de cueur. La-dessus ie entre en la chambre de LA ROYNE, la ou *Marguerite* et quelques aultres estoyent attendantz LA ROYNE, qui estoit en la chambre du Roy. Adonc le bruyt vint incontenent que LA ROYNE s'en alloyt à *l'Abbaie;* tout le monde fort hors de sa chambre, et moy le dernier, prenant la clef de la dict chambre, et m'en voys à *l'Abbaie* apres elle, la ou je trouve *Monsr. de Bodvel*, qui me demande sy j'avoys ceste clef. Ouy, Monsr. (ce di-ie). Il me commande de la garder. Au bout d'une heure *Marguerite* me prie d'aller à *Kirkafield* querir une couverture de Maytres à la chambre de LA ROYNE, ce que je fais et prens ung garson avecque moy et entre en la dict chambre, en presens de *Sande Duram le jeune*, et le porte-faix du Roy, et feis emportier la dite couverture, le dict *Duram* me demande la clef. Ie luy dis que ce n'estoit pas à moy à la donner, mais bien à l'huyssier, luy pryant de me perdonner. Bien, donc (ce dict-il) puisque ne le me voullez donner. La-dessus ie m'en vins à *l'Abbaie* à la chambre de LA ROYNE et delivre la couverture à *Marguerite*, ceste jouer-la de Sabmedy estant ainssy passé, je m'en alloys me coucher.

Le Dymenche matin ie me leve à six heures, et m'en vois pormener dedans le parc, et en ung

vallon ie me metz à prier Dieu, et luy demander conſeil de ce faict meſchant, car ie n'ay ſceu trouver aultre moyen que de laiſſer couller l'eau du ruſſeau qui eſtoit ſy ord, en apres m'eſtant reſolu, ie m'en retourne a *l'Abbay*, la ou ie trouve troys officiers de LA ROYNE, et m'en allay defieuſner quant et eulx, et m'en revins a neufue heures à la chambre de LA ROYNE, la ou l'oye nouvelle que *Monsr. de Morray* venoit prendre ſon congé de LA ROYNE pour aller veoyr Madame ſa femme: moy entendant ceſte parolle l'aperſeu incontynent qu'il le faſoit pour ſe deſtorner de ſe faict meſchant. La-deſſus ie m'en allois me pormener *Laſtarik* et m'en vois ſoubvenir des parolles que j'avoys dictes du dict *Seigneur de Morray* à *Monsr. de Bodvel*, et auſſy ce qu'il m'en avoit reſpondu. A ceſte heure-la ie dis en moy meſme, O *Monsr. de Morray* tu es homme de bien, pleuſt à Dieu que tu ſceus mon cueur, je n'auray pas tant de mal que j'ay! Et ayant bien penſe je m'en revins à la chambre de LA ROYNE, la ou elle alloit diſner auz noces de *Baſtien;* toutesfoi je m'en allay diſner à la ville et apres diſner me pormener; et eſtant revenu, j'entendis que LA ROYNE alloyt ſouper chez *Monsr. d'Argylle*, la ou j'eſtois derrier elle luy ſervant deſciant; et comme elle lavoyt ſes mains apres ſouper, elle me demande, ſy i'avoys oſté la couverture de Maytre de ſa chambre au logis du ROY? Je luy dis qu'ouy. Lors les ſeigneurs ſe levent de table, donc *Monsr. de Bodvel* m'appelle, et me mène ſeul avecques luy au logis de ſa mere, la ou il ne fuſt gueres qu'il s'en alla au logis de *Lard d'Ormiſton*, parler à luy et à ſon frere *Hobe*, et nous prend tout troys avecques luy et s'en va à *Cougait* et parle à *Jehan Hay* et à *Jehan Hepbron*, qu'il trouve à la rue. Apres avoir parle à eux, il s'en va tout ſeul et moy au logis du ROY, et à mye chemin au logis il me dict, or ſçais-tu qu'il y a, tu t'en yras à la chambre de LA ROYNE à *Kirkefield*, et quand *Jehan Hepbron*, *Jehan Hay*, et le *Lard Ormiſton* entront, et qu'ilz auront faict ce que ilz ont envie de faire, tu fortyras et t'en viendras à la chambre du ROY, ou tu t'en yras la ou tu vouldras. Helas! Monsr., (ce di-je) vous me commandes ma mort! Et pourquoy (ce dict-il) te commande-je de faire quelque choſe? Il eſt veritable, ce di-je, Monsr., mais ie ſçay bien que ceſt ma mort. Mais dis moy pourquoy (ce dict-il) ſy ie te commandois de faire ce que les aultres font, tu le pourroys dire, mais ie ſçay bien que tu n'as point de cueur; une fois les aultres n'ont que faire de toy, car ilz entront bien ſans toy, car ilz ont des clefz affes; il n'y a porte ceans donct ilz n'en ayent les clefz. Bien, Monsr. (ce di-ie) ie m'y en voys. La-deſſus il ſe departe de moy et s'en vais au logis DU ROY, et entre en ſa chambre, la ou eſtoyt LA ROYNE et aucuns des Seigneurs, et ie m'en vins à la petite court, entre à la cuiſine demandant une chandelle au cuyſynier, que j'alumis. Sur ces entre faictz, voicy *Jehan Hebron* et *Jehan Hay* qui entrent en la chambre, la ou i'eſtois et portoys de la pouldre dedans des facz qu'ilz miſrent au milieu de la dict chambre. En ce fayſant, voycy *Monsr. de Bodvil*, qui ſurvient et parle au eulx dyſant, 'Mon Dieu que vous faictes de bruyt! on oyt d'enhault tout ce que vous faictez!' Et ainſy me regarde, et me demande ce que le fayſoys, et que ie m'en allaſſe à la chambre du ROY apres luy; ce que je feis, et me trouve aupres de *Monsr. d'Argylle*, avec qui *Monsr. de Bodvel* parloit, et le dict *Seigneur d'Argylle* m'accaroyſſoyt et me touche ſur le dos ſanz me dire mot. Et n'eſtant en la chambre du ROY la longueur d'une pater noſter que LA ROYNE s'en va vers *l'Abbaye* et monte là ou eſtoit les nopces; et moy ie m'en vois en ung coing la ou *Monsr. de Bodvel* me vint trouver, me demandant ce que j'avoys d'ainſy faire la myne, et que ſy ie la fayſoys ainſy devant LA ROYNE, qu'il m'accouſtroit en telle façon que ie ne fus iamais. Ie ne m'en ſoucye pas (ce di-ie) que vous faictes de moy à ceſte heure-cy, vous priant me donner congé de m'aller coucher, car ie ſuis mallade. Non, ce dit-il, veulx que vous veniez avecques moy; voullez vous laiſſer ces deux gentilhommes-là *Jehan Hay* et *Jehan Hepbron?* Helas! Monsr., ce di-ie, que feres vous davantage pour moy, car mon cueur ne me peult ſervir à telle choſe? Je veulx que vous venies (ce dict-il), or bien donc Monsr. (ce di-ie) allons. La-deſſus il s'en va à ſa chambre changer d'habillementz et prend le tailler et moy avecques luy, et s'en va au jardin du logis du ROY, la ou le tailleur demeure à la muraille. Et moy aupres, le dict *Seigneur de Bodvel* s'en va à la porte du jardin, et puis revint vers nous, la ou *Jehan Hepbron* et *Jehan Hay* s'en veindrent et incontynent comme ilz avoyent parlé à

luy, voyla comme ung tempefte ou ung tonnoyre qui va eflever, de la peur que j'eu ie cheus en terre les cheveulx dreffés comme allaines, dyfant, helas! Monsr. qu'eft ce cecy? Il me dicte, je me fuis trouve à des enterprifes grandes, mais iamais entreprife ne me feit fy grand peur que cefty-cy. Je luy dis, per ma foy, Monsr., de telle chofe que cecy il n'en viendra iamais bien, et vous le voyres! O befte! (ce dit-il) me menacent de me fraper de fa dague, mais ne la tire point. Là-deffus il commence à s'en aller bien vifte, et nous apres luy, et s'en cuydoit aller per *Leyth Wynd*, mais il ne fceut. Il envoya donc *Hepbron* parler à portier pour ouvrir la porte, et qu'auffy le monde comencoyt à venir, il s'en va per derrier le *Cannongait*, et *Jehan Hay* et moy nous en allafmes la grand rue. Ie difoys à *Jehan Hay* à telle chofe que cecy n'en adviendra iamais bien. Il eft vray (ce dit-il) nous avons bien offencé Dieu, mais il n'y a remede, il fe faulte monftrer verteux et prier Dieu. Helas! (ce di-je) Monsr. m'a menacé de me frapper de fa dague, mais je vouldroys bien qu'il l'euft faict pour mon honneur. Paris, ce dict-il, prenes en patience, car vous congnoyffes bien l'homme. La-deffus ie m'en allay coucher dans mon lict et luy au fien, mais je ne fçay ou, moy eftant levé le Lundy matin envyron fept ou huyt heures, je m'en vins à la chambre du dit *Seigneur de Bodvel*, et incontynent qu'il me voyt il me demande que i'avoys à faire la mine? Je luy dis, que j'avoys que jamais or n'y argent ne me remettroyt en point que i'eftoys. Pourquoy? (ce dict-il) Porce, Monsr, que ie fçay bien que je fera pris pour le principall de ce faict-cy. Ha! ouy (ce dict-il) tu es bien homme que ie vouldroys bien prendre pour ung tel faict. La-deffus il s'en va en bas en une chambre, et m'envoye querir par le dit tailler la ou il avoit en la chambre le *Lard Ormefton, Hobe Ormifton, Jehan Hepbron, Daglifche, Porrey* et moy.

Monsr. de Bodvel me demande, que j'avoys à faire telle mine, et fy i'avoys promis quelque chofe au Roy, et s'il eftoit mon maiftre? Non, Monsr. (ce di-ie.) Et voye-tu point (ce dict-il) ces gentilhommes, qui ont terres, rentes et revenues, femmes et enfans, et ont tout vollu abandonner pour me faire fervice! Et fi tu penfe avoir offencé Dieu, le peche n'eft en toy, ceft a moy, car je t'ay commandé, et tu ne feroys eftre repris de ce faict, car ce font les Seigneurs mefmes de ce pais, avec moy, qu'avont commis le cryme, et vouldroys qu'il meuft cofte oo...efcus et ne t'en avoyr iamais parlé. Per ma foy, Monsr. (ce di-ie) ie la vouldrois bien, or bien *Paris* il fe fault monftrer verteux, et pour toutes les irheues du monde, il ne fault rien dire; et s'y vous avez envie de vous en aller, vous vous en yres bientoft. Et du depuis ie l'ay demandé congé plus d'vne demye doufaine de fois, et ne le fcue iamais avoyer; et voyla tout ce que ie fay touchant ce faict.

2. *A Sanct Andre*[1] *le dixieme jour d'Aouft*, 1569, *Nicholas Howbert, dict Paris, à esté interrogué sur les articles et demandes qui s'ensuyuent, &c.*

Et premierment,

Interrogue, Quant premierment il entra en credit vers la Royne? Refponce, que fe fuft comme la Royne eftoyt à *Callendar* allant à *Glafcou*, qu'alors elle luy bailla une bourfe la, ou il avoit environ 3 ou 4 cens efcus, pour la porter à *Monsr. de Boduel;* lequel, apres avoir receu la dicte bourffe fur le chemyn entre *Callendar* et *Glafcou*, luy dict que le dict *Paris* f'en allaft avecques la Royne, et qu'il fe tint pres d'elle, et qu'il regardaft bien à ce qu'elle feroit, luy dyfant, que la Royne luy donneroyt des lettres pour les luy porter. La Royne eftant arryué à *Glafcou*, luy dict, je t'envoyeray à *Liffebourg*, tiens-toy preft, et ayant demeure la deux jours avecques la dict dame, laquelle efcript des lettres et luy les baille, dyfant, vous dires de bouche à *Monsr. de Boduel* qu'il baille ces lettres qui f'adreffent à *Monsr. de Ledington* à luy mefmes, et qu'il parle à luy, et voyes le parler enfemble et regardes la façon de faire, et quelle mine ilz feront, car c'est, ce difoyt-elle, pour favoyr lequel eft meillieur pour loger le Roy à *Craigmiller* ou à *Kirkafeild*, affin d'avoyr bon air; car, f'il logoyt à

[1] This second Examination of French Paris is preserved in *the British Museum*, Calig. C. I, fol. 318. It is given here in the original form, the same as the preceding.

l'Abbaye, le Prince pourroyt bien prendre fa malladie, à caufe que fes ferviteurs ne pourroyent leur en garder d'aller veoyr le Prince: en oultre qu'il dict au dict de *Boduel* que le Roy la voulloyt baifer, mais elle ne pas voullu de peur de fa malladye, chofe que *Rereſs* en tefmoigneroyt bien. Et plus (ce dict-elle) vous dires à *Monsr. de Boduell* que je ne va jamais vers le Roy que *Rereſs* n'y eft, et voyt tout ce que je fais. *Item*, la Royne luy dict, 'Paris haftes-vous de revenir, car je ne bougeray dicy jufques au temps que vous m'aures raporté la refponfe!'

Eftant le dict *Paris* arryvé à *Liflebourg* trouve le dit de *Boduel* en fon logis à *l'Abbaye*, lequel luy dift, ha! *Paris*, tu es le bien venu. Monsr., ce dict-il, voycy des lettres que la Royne vous envoye, et auffi à *Monsr. de Liddingtoun*, vous pryant de les luy delivrer, et que je vous vis parler enfemble, pour veoyr vos façons de faire, et comment vous vous accordies enfemble. Fort bien, ce dict-il, car j'ay ce jourdhuy parlé à luy, et luy a donné une haquenee. Le lendemain le dict *Paris* dict qu'il vint au logis du dit de *Boduel* par troys foys le chercher à 8, 9 et 10 heures, et ne le fceut jamais trouver; mais à la fin *Powrye* le portier luy dift, qu'il l'allaft chercher à la haulte ville, que peraventure il le trouveroyt en quelqz lieu au confeil; et l'ayant cherché, il voyt venir une troupe de gens de vers le *Kirkafeild*, la ou eftoyt le dict *Seigneur de Boiduel* et *Monsr. Jacques Balfour*, cofte a cofte enfemble, lequelz f'en alloyent difner au logis du dict *Monsr. Jacques*. Le dict *Paris* prya *Monsr. de Boduel* de le defpecher vers la Royne. Apres difner (ce dict-il) je le feray; et quant il retourna querir fa defpefche apres difner, il trouve le *Seigneur de Boiduell* et le dict *Monsr. Jacques* feulz, tefte a tefte, en une chambre; et le dict *Seigneur de Boiduel* qui efcrivoit de fa propre main; et apres avoir faict, il dift à *Paris*, voyla ta refponce, retourne t'en à la Royne et me recommendes bien humblement à fa bonne grace, et luy dictes que tout yra bien, car *Monsr. Jacques Balfour* et moy n'avons dormis tout la nuyte ains avons mis ordre en teute, et avons apreste le logis, et dictes à la Royne que je luy envoye ce dyamant que tu luy porteras, et que f'y j'avoy mon cueur je le luy envoyeraye trefvolluntiers, mais je ne l'ay pas moi. Va t'en à *Monsr. de Ledington* et luy demandes f'il veult referire à la Royne, ce que le dict *Paris* faift, et le trouve à la chambre des comptes, et luy demande f'il plafoyt rendre la refponfe aux lettres de la Royne que *Monsr. de Boduel* luy avoyt baillies. Ouy (ce dit-il) et la-deffus il prend du papier incontinent et efcript, et ayant faict le dict *Paris* luy dict que la Royne l'avoit commande de luy demander, lequel des deux logis feroyt le millieur pour le Roy, car elle ne bougeray dela jufqu'à ce qu'il l'auroit raporté fa refponce. Le dit *Letingtoun* luy refpondit, que le *Kirkafeild* feroyt bon, et que le dit *Seigneur de Boduel* et luy avoyent advife enfemble la-deffus. Ainfy le dict *Paris* partit pour fon aller à *Glafcou* vers la Royne; et eftant de retour à *Glafcou* et avoyr faict fon meffaige, qui luy eftoyt donné des diz Seigneurs de bouche, la Royne luy demande, s'il avoyft veu parler *Meffieurs de Boduel* et *Lethingtoun* enfemble? Dict que non, mais que *Monsr. de Boduel* luy avoyt dict qu'ilz avoyent parlé de bon vyfage enfemble, et que le dict *Sieur de Lethingtoun* eftoyt du tout à luy, et que le logis eftoyt preft. *Item*, comme elle retournoyt de *Glafcou* vers *Liflebourg* avec le Roy à *Kallendar*, il f'adreffe ung homme de *Monsr. de Boduel* au dict *Paris* et luy baille une lettre pour la prefenter à la Royne, ce qu'il feift, laquelle luy demanda, s'y l'homme eftoyt feur? Je penfe, ce dit-il, Madame qu'il n'euft voullu vous envoyer homme qu'il n'en fuft feur. La-deffus en f'en allant coucher elle refcript une lettre, et y meift dedans ung anneau et la luy bailla pour la bailler au dict homme porteur, chofe qu'il feift, pour la rapporter au dict *Sieur de Boduel*; apres le Royne et le Roy eftans à *Lythkow*, elle dict au dict *Paris* qu'il voulloit mettre *Guilbert Courlle*, Vallet de chambre ches le Roy, pour ce qu'il eftoyt de bon efprit, affin de veoyr ce que le Roy feroyt, car elle ne ce fyoyt point à *Sande Duram*. Du dict lieu *Jehan Hay* fuft par elle defpefché vers *Monsr. de Boduel*, auquel elle parla affes long temps, en apres auffy *Paris* avec des brafferetz au dit *Sieur Boduel* (le dict *Paris* arryvent à *Liflebourg* luy baille les brafferetz) lequel Sieur eftoyt preft de monter à cheval pour aller trouver le Roy et la Royne, avec lequel le dit *Paris* retourne au devant du Roy, lequel ils conduyrent jusques à fon logis à *Kirkafeild*.

Interrogué, S'il favoyt aucun priveauté entre LA ROYNE et *Monsr. de Boduel,* durant le temps que LE ROY gysoit à *Kirkafeild?* Respond, que *Monsr. de Boiduel* luy avoit dict que toutes les nuytz *Jehan Hepbron* feroyt le guet foubz les galleries à *Sancte-Croyæ,* cependant que *Lady Rereſs* yroyt bien taird le querir pous l'amener à la chambre de LA ROYNE, luy deffendant, assavoyr à *Paris,* sur la vie de ne dire que sa femme estoyt avecques luy.

Interrogué, S'il favoyt de l'entrepris du Meurtre du ROY depuis son arryvement à *Kirkafeild* jusques au jour de l'execution? Respond, que non aultrement que ce qu'il en a desia deposé en sa Deposition faite le neufieme de ce moys, en adioustant que le jour que *Monsr. de Boduel* luy avoyt communiqué le faict de Meurtre du ROY, qui fust le mesme jour que LA ROYNE couchast au logis du ROY à *Kirkafeld,* (ainsy comme il y en souvient fort bein) et comme le dit *Paris* voulloyt dresser le lict de LA ROYNE eu sa chambre, qui estoyt droyt soubs la chambre du ROY; ainsy que *Monsr. de Boduel* luy avoyt commandé, lors qu'il parloyt avecques luy au trou la ou il le destaschoyt pour faire ses affaires, le dict *Sieur de Boduell* deffendist au dit *Paris* de ne dresser le lict de LA ROYNE droict foubz le lict du ROY, car je y veulx mettre la pouldre en cest endroyt-là, ce dit-il. Et ceste mesmes nuyt-là, apres que le lict fust dressé en la chambre de LA ROYNE; ce que je fis au mesme endroyt la ou il me fust deffendu par le dict de *Boduel,* LA ROYNE me dist, 'Sot que tu es, je ne veulx pas que mon lict soyt en cest endroyt-là, et de faict le feist oster!' Par lequelles parolles, j'ay aperseu à mon esprit qu'elle avoyt cognoyssance du faict. La-dessus je prins la hardiesse de luy dire, 'Madame, *Monsr. de Boiduel* ma commande luy porter les clefs de votre chambre, et qu'il a envie de y faire quelque chose; c'est de faire saulter LE ROY en l'air par pouldre, qu'il y fera mettre!' 'Ne me parle poynt de cela ceste heure-cy,' ce dict elle, 'fais en ce que tu souldras! La-dessus je ne l'osoys parler plus avant. A ceste heure-cy je commence à consyderer que j estoys employé en ce faict meschant, auparavant par parolles couvertes et desguysees estant envoyé de *Glascou* vers *Monsr. de Boiduel,* pour scavoyr lequel des logis estoyent le meillieur, et par ce aussy qu'il m'a respondu alors, quant il me renvoye vers LE ROYNE, vous la dires, sy elle vous demande ce que je fais, que j'ay veillé toute ceste nuyt et *Mr Jacque Balfour,* pour aprester le logis du ROY. Estant interrogué, Sy LA ROYNE passoyt plus oultre ceste nuyte sur ce purpos? La dict que non, mais le pressoyt apres plus fort que jamais de parler à elle de pourpos de *Monsr de Boduel,* de sa femme, et de aultres choses. Et estant couchee ne dormoyt point toute le nuyte, ains escryvoyt des lettres an dict *Sieur de Boiduel,* et les envoye par le dict *Paris* au *Sieur de Boduel,* envyron onze à douze heures de nuyt, mains riens de creance. Et ayant delivré ceste lettre au dict *Sieur de Boduel,* il rescript estant au lict, et en baillant la responce au dit *Paris,* il luy dict, 'Dictes à LA ROYNE, que je dormiray point que je ne escheve mon entrepris, quant je deburoys trayner la picque toute ma vie pour l'amour d'elle!'

Et estant de retour vers LA ROYNE, Vendredy au matin, luy ayant racompté ces mesmes parolles que luy avoyt dictes *Monsr. de Boiduel,* 'Et bien, Paris (ce dict-elle en ryant) il n'en viendra jamais, sy Dieu plaist à ce poynt-là!' Et ce dysoyst-elle estant au lict. Et comme elle s'abilloyt, le dit *Paris* prend les deux clefs de la chambre de LA ROYNE, selon le commandement du dit *Sieur de Boduel,* et les luy aporte. Lequel ayant faict sortir toute le monde de sa chambre, prend le clef d'ung coffre qu'il avoyt en sa pochette, et apres avoyr ouvert le dit coffre, en tire des aultres clefs contrefaicts toute neufues, et en regardant les unes aupres des aultres, dict à *Paris,* ha! ouy, elles sont bien; raporte celles-là, et il remeist les contrefaictes dedans le coffre.

Estant interrogué, S'il scavoyt qui avoyt fait et baille les clefs contrefaictes au dit *Sieur de Boduel?* Respond, qu'il n'en savoyt rien, sy non que le dit *Si ur de Boduel* luy dist, qu'il avoit toutes les clefs des portes de ce logis-là, et que luy et *Maistre Jacques Balfour* avoyent esté tout une nuyt pour chercher et savoyr la meilleure entree, comme il a desia deposé. Mais cependant que le dict *Paris* estoyt absent avecques les clefs, *Archibald Bethon,* huyssier, demande les clefz pour laisser sortir LA ROYNE au jardin, et ne les pouvant trouver, LA ROYNE en fust fasché, et dict tout haut à *Paris* à son

retour, ' *Paris* pourquoy aves-vous emporté les clefs de ma chambre ? Lequel ne luy respondit mot fur l'heure ; mais apres la, trouvant a part luy dift, ' Ha ! Madame, pourquoy m'aves vous dict devant le monde que j'avoys pris les clefs de votre chambre, voyant que vous faves bien le pourquoy ?' ' Ha ! ce dit-elle, *Paris* c'eft tout ung ; ne te foucye, ne te foucye !' ' Et d'autant qu'il en pourroyt avoyr bon fouvenance, il dict, que ce Vendredy la nuyt LA ROYNE coucha encores au logis du ROY, et luy renvoya derechef porter des lettres au dict *Sieur de Boduel.*

Interrogué, S'il avoyt rien entendu de ce propos le Sabmedy au matim ? Refpond que non, fy non que LA ROYNE deift en prefence de ceulx de fa chambre, qu'il y avoyt eu quelque querelle entre le ROY et *Monsr. de Sancte-Croix,* lequel avoyt bon moyen à cefte heure-la de tuer LE ROY, car il n'y avoyt en la chambre alors qu'elle pour les departir : Et dict oultre, qu'apres difner, le dict *Sieur de Boduel* luy commande de prendre la clef de la chambre de LA ROYNE, chofe qu'il n'avoyt envie de faire ; mais comme LA ROYNE fortoyt de fa chambre, elle le regarde, et luy commande de prendre la dit clef. Et au foyr, LA ROYNE eftant à *l'Abbaye,* elle envoye le dit *Paris* vers *Monsr. de Boduel,* luy commandant luy dire de bouche : ' Alles vous en à *Monsr. de Boduel,* et luy dictes, qu'il me femble qu'il feroit le mieulx que *Monsr. de Sancte Croix* avec *Guillaume Blakatre* allent à la chambre du Roy, faire ce que le dict de *Boduel* fçait, et qu'il parle à *Monsr. de Sanct Croix* touchant ce purpos, car il feroyt myeulx ainfy qu'aultrement, et pour ce n'en feroit qu'ng peu prifonnier dedans le chafteau.' Apres avoyr le dict *Paris* racompté ce faict à *Monsr. de Boduel,* il luy dict, ' Je parleray à *Monsr. de Sanct Croyx,* et puis j'yray parler moy mefmes à LA ROYNE.' Le dit *Paris* n'a fouvenance d'aultre chofe que fe feift ce jour-là, mais le refte eft contenu en fa premier Depofition, jufques à ce que LA ROYNE arryva en *l'Abbaye,* et *Monsr. de Boduel* f'eftant auffy retiré en fa chambre avec le dit *Paris,* furvint *Monsr. de Hontcley,* en compaignye de deux ou troys ferviteurs, et ce par le chemin derrier *l'Abbaye* qui menie droyt au logis de feu *Monsr. de Ruthuen ;* et apres qu'ilz avoyent parlé en l'oreille enfemble, comme *Monsr. de Boiduel* avoyt defia commence de changer fes habillementz, le dict (*Monsr.*) *de Boduel* deift apres au dit *Paris,* que *Monsr. de Honteley* f'eftoyt offert d'aller avecques luy, mais qu'il ne le voulloyt mener. Quant et luy, et apres que *Monsr. de Honteley* fe fuft party pour aller coucher, le dict de *Boduel* prend le tailler et *Paris* avecques luy, comme il eft dict en fa premiere Depofition.

Le Lundy matin, entre neuf et dix heures, le dict *Paris* dict, qu'il entre dans la chambre de LA ROYNE, laquelle eftoyt bien clofe, et fon lict la tendu du noyr, en figne de deuil, et de la chandelle allumer, dedans ycelle la ou *Madame de Bryant* luy donnoyt à defieufner d'ung oeuf frais, la ou auffy *Monsr. de Boduel* arryve et parle à elle fecretement, foubz courtine. Ce jour-là Lundy, fe paffe ainfy fans ce que le dict *Paris* parle à elle. Mardy, au matin, elle fe leue ; et le dict *Paris* eftant entré en fa chambre, LA ROYNE luy demande, ' *Paris,* qu'as-tu ?'—' Helas ! ce dict-il, Madame, je voys que chafcun me regarde de cofté.'—' Ne te chaille, ce dict-elle, je te feray bon vyfayge, et perfonne ne t'oferoyt dire mot !' Cependant elle ne le dict chofe de confequence, jufques à ce qu'elle voulloyt aller à *Scton,* alors elle luy demandaft de prendre une caffette ou il y avoyt des corceletz d'efcus, que le Threforier luy avoyt aporté de *France,* pour la porter à la chambre de *Monsr. de Boduel,* qui eftoyt à cefte heure-là logé dedans le *Pallays,* au deffus de la chambre la ou ce tenoyt le Confeil : Et puis apres, luy commandaft de prendre fon coffre des bagues et le faire porter au *Chafteau,* et le delyvrer entre les mains du *Sieur de Skirling,* pour lors Cappitaine foubz *Monsr. de Boduel,* chofe qu'il feift : En apres, elle voyant le dict *Paris* tout fafché, elle preffoyt fouvent de faire fervice à *Monsr. de Boduel,* ce qu'il n'avoyt envie de faire, ains demandoyt fouvent fon congé ; et voyant cela, à la parfin elle luy dict, ' *Paris,* alles-vous confoller avecques *Mr Jacques Balfour ;* ceft ung homme d'efprit, je m'y fuis confolle par plufieurs foys et me confolle de prefent.'

Item. Interrogué, Du premier pryveauté qu'il a cogneu eftre entre LA ROYNE et *Monsr. de Boduel ?* Refpond, que c'eftoyt alors que le dit de *Boduel* conduyfoit LA ROYNE vers *Glafcou,* quant elle alloyt querir LE ROY. A *Callender,* apres fouper, affez tard *Lady Rereffs* vint à la chambre de *Monsr.*

de Boduel et voyt le dict *Paris* la, et demande que faict ce *Paris* icy? Ceſt tout ung, ce dict-il, *Paris* ne dyra choſe que je luy deffend de dire! Et la-deſſus elle l'amene à la chambre de LA ROYNE. Cecy ceſtoyt le foyr devant que le lendemain LA ROYNE l'envoya la bourſe par *Paris* au dict *Sieur de Boduel.*

Item. En oultre, il dict et declare, qu'envyron le temps que le dict de *Boduel* fuſt faict Duc, LA ROYNE lui baillaſt le buffett et veſſelle de l'argent de MONSIEUR LE PRINCE la ou eſtoyt ſes armoyries pour la porter à *Monsr. de Bothuile;* le quelluy dict, que ceſtoyt pour en faire oſter la marque de PRINCE, et y mettre la fienne, ce qu'il delyvra à ung qui a eſpouſé une *Marguerite Hepbron* (mais il ne ſcait bonnement ſon nom) lequel comme il luy dict il le debuoyt bailler à *Mr Jacques Balfour* pour le faire faire.

Item. Il dict et confeſſe, que la nuyt auparavant que LA ROYNE fuſt ravie et enlevee du dit *Sieur de Boduel*, que *Monsr. d'Ormiſtoun* vint parler à LA ROYNE bien ſecretement à *Lythquow:* la-deſſus LA ROYNE eſcrypt une lettre par le dict *Paris*, et par ce qu'il ne ſcavoyt bien le chemyn, LA ROYNE le feiſt conduyre par le dict *Ormiſtoun* chez *Monſieur de Halton*, la ou le dict *Sieur de Boduel* eſtoit en bonne compaignie, et meſmes les Capitanes couches aupres de luy et daultres: Et trouvant le dict *Sieur de Boduel* endormye les veille, et luy dict, Monſieur, voyla des lettres que LA ROYNE vous envoye. Et bien, *Paris*, ce dit-il, couche toy la ung peu; cependant je m'envoys eſcryre, et apres avoir eſcript, il dict au dit *Paris*, 'Recommendes me humblement à la Majeſtie, et luy dictes que j'yray aujourdhuy la trouver ſur la chemyn au pont.'

Item. Eſtant interrogué, S'il ſavoyt pourquoy *Joſeph* ſ'en alla de ce pays? Refpond, que LA ROYNE lui dict, *Paris* il fault que tu controuves quelque chofe en ton eſprite pour faire peur à *Joſeph*, affin qu'il ſ'en aille: et voyant qu'il ne pouvoyt rien faire, elle luy dict, je feray faire une lettre que tu perderas derrier luy pour luy faire peur; mais luy ne pouvant ce faire elle, le feiſt dire par *le Juſtice-Clerk*, comme il peuſt, qu'il euſt à comparoiſtre au Parlement, chofe qu'il l'affrayaſt grandement, et courut ça et la demandant ſon congé; enfin LA ROYNE baille neuf vingtz eſcus à *Paris*, pour les bailler à *Joſeph*, affin qu'il ſ'en allaſt, ce qu'il feiſt; et ainſy ayant receu la dict ſomme, il ſ'en alla.

Item. Dict, que *Jehan Hay* ſouvent apres la mort du ROY le conſeylloyt et le comfortoyt bien, et qu'aultre ne le conſolloyt, ſy non que ſouvent comment *Monsr. de Honteley* le voyant deffaict, le demandoyt, *Paris*, qu'as tu?

THIS is the trew copy of the Declaration and Depoſitioun of the faid NICHOLAS HOWBERT als *Paris*, quhairof the principall is markit every leif with his awin hand. And the ſame being red againe in his precence, he avowit the ſame, and all partes and clauſes thairof to be undoubtedlie trew.

Ita eſt ALEXANDER HAY, *Scriba Secreti Conſilii S. D. N. Regis ac Notarius Publicus.*

VIII. EXTRACT OF LETTER FROM LORD HUNSDON TO SIR WILLIAM CECIL.[1]

WHEREIN he ſays, he received a letter of the 23 of Auguſt, with the Q. MAJESTY's letter, and my LADY LENNOX packet; and towching *Paris*, he was put to death a fortnight ſince, and ſo was *Stewart*, who was King of Heralds,[2] which had determined to kill THE REGENT; but he was forgiven for that, and was burnt for Conjuration and Witchcraft.

[1] Dated Berwick, Aug. 30, 1569. *Anderson's* Notes of Letters in the Paper Office. *Laing's* Hist. II. 269.

[2] This matter is thus chronicled by two contemporaneous authorities. 'This same day (Aug. 2, 1568), about 2 in the afternoone, Sir William Steuarte, Lyone King of Arms, departed out of Edinburghe to Dumbrittan Castell, being suspect of Conspiracy against the Life of THE REGENT, the Earll of Murray.'—*Birrel's Diary*, p. 17. 'In this samin mounthe, Sir William Steuarte, Lyone King of Armes, was transported from Edinburgh Castle to Dunbrittane, and ther committed to closse prissone, for Conspyring to take the Regent's lyffe by Sorcerey and Necromancey, for which he was put to death.'—*Sir James Balfour's Annales*, I, 345. No mention of these proceedings occurs in the Books of Adjournal—but about this time the *Treasurer's Accounts* notice many prosecutions against *Witches*, FOUR females having been tried between May 16 and Aug. 12, 1569, for this imaginary crime.

IX. LETTER FROM REGENT MURRAY TO QUEEN ELIZABETH.[1]

PLEASE it your Majeſtie,

I HAVE of lait reſſavit three Letters of your hienes, the firſt by my ſervant *Alexander Hume*, the next from ane *Mr Tho. Flemyng*, and the third be my *lord Governour of Berwicke*, for the differing[2] of the executioun of death upoun ane Paris, Franſheman. . . . .

As to that quhilk your Majeſtie writes of ane *Paris*, a Franſhman, partaker with JA. ſumtyme E. BOTHWELE, in the murther of THE K. my ſoverains fader, trew it is, that the ſaid *Paris* arrivit at Leyth about the middes of June laſt; I at that tyme being in the North partes of this realme, far diſtant; Quhair upoun it followed, that at my returning, after diligent and circumſpect examinatioun of him, and lang tyme ſpent in that behaulf, upoun the xvi day of Auguſt bypaſt, he ſufferit death by order of law; ſo that before the recept of your hienes letter, be the ſpace of 7 or 8 dayes, he wes executte.[3] Otherwyſe, your Majeſties requiſitioun towardis the diferring of his executioun, by way of deth, ſuld have been maiſt willingly obeyed; the ſame bringand with it ſa gude reaſon. Bot I truſt his teſtimonie left ſal be fund ſa authentik, as the credit thairof ſall not ſeame doubtfull, neyther to your hienes, neyther to thame quha be nature hes graiteſt cauſe to deſire condigne puniſhment for the ſaid Murther.

X. THE CONFESSION OF THE LAIRD OF ORMISTON.[4]

The Caſtle of Edinburgh, 13*th of December*, 1573.

THE quhilk day *Johne Brand*, Miniſter at Hallyruidhouſe, being ſent to the LAIRD OF BLACK ORMISTOUNE, to give him comfort, be the promiſs of God's word offereit to ſinners; and alſua, to requyre the ſaid Laird to glorifie God, in ſhawing of the truth, &c.: After lang conference, and prayers made, above the ſpace of ane hour, or theirby, the ſaid *John Brand*, Miniſter, ſaid unto him, 'Sir, althocht I am trewlie perſuadit that the haill trewth ye have ſhawen me of this matter, yit, becauſe divers and greater doubts are paſſit of you, and alſe the memorie of men are bot weak, theirfoir, gif ye thought guid, I wald wryte certaine of they things, breifeley, that you have ſpoken.' Quha anſwerit, meiklie, 'For God's ſaike doe the ſamen; wreit even as I ſhall ſpeike. As I ſhall anſwer unto God, with whom I hope this night to ſowp,[5] I ſhall declaire unto you the haill, from the beginning unto the end of my pairt.' *Firſt*, I confeſs that *the Earle Bothwell* ſhew that ſamen wickit deid unto me, in his own chalmer in *the Abbay*, on Fryday before the deid wes done, and requyred me to take pairt with him therein, becauſe, as he alledged, I wes ane man of activeneſs, (alace theirfor!) quhair I utterly refuiſit, and ſaid, God forbid, bot, gif it were upon the field, to fight with your Lo. unto the death, I ſould not feir my ſkinn cutting. Then the ſaid Earle ſaid unto me, 'Tuiſhe, Ormiſtoune! Ye need not take feir of this, for the haill *Lords* hes concluded the ſamen langſyne, in *Craigmiller*, all that wes ther with THE QUEIN; and nane darr find falt with it, quhen it ſhall be done.' Efter the quhilk, I departit hame to *Kaitis Tames*,[6] quhilk was *Thomas Henderſon's* houſe, in Edinburgh, for his mother was called *Kait:* being in part ſeik, I lay doun in my bed, and lay all Saturday, chieflie for that cauſe, beleivand that way to have put off that evil hour: And ſwa, I knew na farder of it quhill[7] Sunday at night, quhere I, being in my chalmer in *the Black Frier Wynd*, gangand beltit in ane goun, *John Hepburne* and *John Hay of Tallo* come unto me, and ſaid, 'THE QUENIS grace and Lords are paſt up to ſie THE KING, and my Lord is ſtandand at *the Black Frier Wynd* fute, and bids you come to him incontinent:' Quhere[8] I layd my goun from me, and tuik ane ryding clock, becauſe I

[1] Undated. *Anderson's* Notes, *ibid.* [2] Deferring. [3] It is thus recorded in *the Treasurer's* Books, Aug. 16, 1569. '*Item*, to ane boy passand of Sanctandrois to Dunde and Perthe, with *twa quarteris* of THE BODIE of vmq^le PARIS, *Francheman*, being justefeit to the deith, viij s.'—'*Item*, to ane boy passand of Sanctandre to Ed^r with THE HEID and ane LEG of the said PARIS, *Francheman*, vj s. viij d.' [4] *Anderson's MSS.* [5] Sup. A figurative expression, borrowed from Holy Scripture. [6] Kate's Thomas, a common designation at that time for servants and persons of low birth, especially in the Border counties. [7] Until. [8] Whereupon.

beleivit all had bein weill anewche now agreit, ſeing they had paſſit up to viſit him: And cuming, at the firſt I miſt the ſaid *Earle*, for he had comiten upe anuther cloſſe to ſeik me himſelfe, in my awn chalmer; and thair he fand my couſing *Hob*, quhom he brought with him; and thairafter, met togidder in the middis of the Wynd, wha tuike me againe; and we all paſſit up to *the Freier Yaird*, through the ſlape,[1] quhair *Pareis* and *Archie Betoun* com and met us, and ſaid all wes ready preparit for the ſetting of the lunt: And they all enquyrit, how it ſould be ſet to? And, after diverſe ſpeakingis, I ſaid, 'Take ane piece of lunt of thrie or four inch lang, and kindle the ane end of it, and lay to the cald end, and it wald burn ſyne to the train, and ſwa will blaw up.' Efter the quhilk, THE QUEINE paſſing hame, *the Erle Bothwell* ſaid, 'Speid, and clois all the duris!' for they had 13 fals keys of the lodging maide, and givin, as they faid to me, be him that aucht the houſe. Efter the quhilk I departit incontinent, and came not nearer, as I ſhall anſwer befoir God, nor[2] the duir. And as I was cumand hame, it ſtrake ten hours, wher then I paſit to *Katis Tames* hous, to avoyd ſuſpitioun, that na man ſould ſay I was at the deid doinge; for I was an hour and mair in my bed or the blaſt and crak was.

Being requyrit be the ſaid Miniſter, 'Gif he knew not that THE KING was utherways handilit be menes handes, for it is commonlie ſpokin he was brought furth and wirryit!' Quha anſwerit, 'As I ſall anſwer to my God, I knew nothing but he was blawin up; and did enquyre the ſamyn maiſt diligentlie at *John Hepburne* and *John Hay*, and all that tarreit behind me; quha ſwore unto me, they never knew nae uther thing bot he was blawin up; and ſwa I think it was ane work done be God for the puniſhment of money wickit men, quhairof I am ane, and ane great ſiner before God, for the quhilk I aſk God mercy.

Thirdly, Being requyrit, Gif he knew na farder hereafter? anſrit, At the Paſche[3] thairafter, when the bruite begouth to rys upon us, and all cryit, ane vengeance upon them that ſlew THE KING, it prickit my conſcience, and I come unto *the Erle Bothwell* in his chamber, and ſaid to him, 'Quhat Devill is this now, my lord, that every body ſuſpectis you of this deid, and cryes ane vengeance for the ſamen, and few or no uther ſpokin of bot yow! Aneuther thing you ſaid to me!' Quha anſrit, 'I ſall let you ſie ſume thing that I had for me!' Quha lute[4] me ſie ane Contract ſubſcryvit be four or fyve handwrittes, quhilk he affirmit to me was the ſubſcription of *the Erle of Huntlie, Argyll, the Secretar Maitland*, and *Sir James Balfour*, and alleaged that mony mae promiſit, wha wald aſſiſt him gif he were put at. And thairafter read the ſaid Contract; quhilk, as I remember, conteinit thir words, in effect: 'THAT, for ſamikle it was thought expedient and maiſt profitable for the commoun wealth, be the haill Nobilitie and *Lords* underſubſcryvit, that ſic ane young fool and proud tirrane ſould not reign nor bear reull over thame; and that for diverſe cauſes, thairfoir, that thays all had concludit that he ſould be put off, by ane way or uther; and quhoſoevir ſould take the deid in hand, or do it, they ſould defend and fortifie it as thamſelffis; for it ſould be every ane of their awin, recknit and halden done be themſelffis.' Quhilk writting, as ſaid *Erle* ſhew unto me, was devyſit be *Sir James Balfour*, ſubſcryvit be them all ane quarter of ane year befoir the deid was done.

After the quhilk, I never ſpake to the ſaid *Erle* of it quhill the day he gate his Aſſyſe; quhaire the ſaid *Erle*, ſtanding at the barr, luiking doun and ſad lyke, I plukit upon him and ſaid, 'Fye! my lord, what Divill is this yee are doand! Your face ſhawes what ye are! Hald up your face, for Godis ſake, and luik blythlie;[5] ye might luik ſwa and ye were gangand to the deid! Allace! and wo worth them that ever devyſit it! I trow it ſall gar[6] us all murne!' Quha anſrit me, 'Had[7] your tongue; I wald not yet it wer toe do![8] I have ane out-gait fra it,[9] cum as it may; and that ye will knaw belyve!'[10]

Forder, the tyme when my brother was hurt be *the Laird of Scffaird*,[11] firſt com word to me, that

[1] A *slap*, or broken part of the wall. [2] Than the door. [3] Easter. [4] Let, permitted. [5] Cheerfully. [6] Force, or make us all mourn. [7] Hold. [8] I would not that it were yet to do. [9] I have a way of escape from it. [10] Presently; by and by. [11] Probably Sesfuird (*Cessford*) in the original.

they war ſlayne; and than thair came ane Bill[1] from thamſelffis, and ſaid they wer onley hurt, and wald not die: But ane thing did them mair evill than the hurting, viz. that ane commoune bruit was riſen, that I was at THE KING'S Slaughter, and theirfoir deſirit me to get ſume guid way to purge myſelfe, that it paſs na farder, or elſe ye have done with it. Quhilk Bill I tuik and gave to *the Erle Bothwell*, wha tuik it and gave it to THE QUEIN; and ſhe tuike it and gave it to *the Erle Huntlie*, thair preſent, wha read it; and thairafter turnit unto me, and turnit her back, and gave an thring[2] with her ſhoulder, and paſſit away, and ſpake nothing to me. This is the haill thing I knaw, ather affoir or eftir, as I ſall anſuer to my God, with whom I hope to ſupe.

Efter the quhilk, being inquyred, Gif ever THE QUEIN ſpake unto him at any tyme, or gif he knew what wes THE QUENIS mynd unto it? Anſrit, As I ſhall anſuer to God, ſhoe ſpake never to me nor I to hir of it, nor I knaw natbing of hir part, but as my *Lord Bothwell* ſhaw me: For I will not ſpeike bot the trewth for all the gold of the earth, quhilk I deſyre you, guid Miniſter, bear record bearof as ye have written, quhilk I pray yow read over to me: Let me alſwa ſee it. Quhilk I did, affoir[3] *Archibald Dowglass*, Conſtabill of the Caſtle, and *George Towers of Briſto*, with uthers divers gentlemen and ſervants being in the chalmer.

Quhilk beand done, he ſaid, for God's ſaike, ſit down[4] and pray for me, for I have bein ane greit ſinner utherwyſe, for the quhilk my God this day is puniſhing me; for of all men on the earth, I have bein ane of the proudeſt and heich myndit, and maiſt filthie of my body, abuſing myſelf dyvers ways. Bot ſpecially, I have ſhed innocent blood of ane *Michael Hunter* with my awin hands. Allace theirfoir! Becauſe the ſaid *Michael* havand me lyeing upon my back, haveing ane fork in his hand, myght have ſlayne me gif he pleaſit, and did it not; quhilk of all things grieves me maiſt in conſcience. Alſwa, in a raige, I hangit a poor man for an horſe; with mony uther wickit deids: for the quhilk, I aſke my God mercy: For its not mervell that I have bein wickit, for the wickit companie that ever I have bein in, bot ſpeciallie within thir ſeaven yearis bypaſt, quhilk[5] I never ſaw twa guid men or ane guid deid, bot all kind of wickednefs; and ȝit my God wald not ſuffer me to be loſt, and hes drawen me from them, as out of hell, and hes given me lazer[6] and ſpace, with guid companie, to repent; for the quhilk I thank him, and is aſſurit that I am ane of his elect.

Thir words, with mony mae, cryand continually unto his God, even to the very end, cryand, 'My Lord Jeſus! ſweit Jeſus! have mercy upon me, as you have had upon uther ſinners!' in ſick ſort, that he was, to the appearance of man, ane of the maiſt penetent ſinners that hes bein ſein this lang tyme, and mey be comptit ane example of God's mercies to all penitent ſinneris.

XI. TRIALS OF THE EARL OF BOTHWELL, THE EARL OF MORTOUN, &c.

THE reader may be once more referred to the Collections by *Anderson*, &c., for farther illustrations of the Murder of Darnley. In the new edition of the State Trials,[7] the proceedings in the Trial of THE EARL OF BOTHWELL may be found, but in a modernized and mutilated form. *Laing*, in his History, also gives a brief notice of the mock Trial of Secretary *Maitland of Lethington*,[8] and he has likewise preserved the memory of many other minute points, which cannot be noticed in this work. Reference may likewise be made to *Laing's* History[9] and *Bannatyne's Journal*,[10] for the Confession of THE EARL OF MORTON, on Jun. 2, 1581, the day of his execution, in which works are detailed the interesting Conference which took place between him, *Mr John Durie*, and *Mr Walter Balcanquell*, immediately before he suffered.

[1] Billet, letter. [2] Shrug. [3] Before, in presence of. [4] Kneel; a common phrase. [5] During all which time. [6] Leisure. [7] *Howell's* and *Cobbett's* State Trials, 8vo, Lond. 1809, I. 902. [8] *Laing's* Hist. II, 298. [9] *Ibid.* II, 323. [10] Edited by J. G. Dalyell, Esq. Edin. 8vo, pp. 493 to 518.

Newes from Scotland, 1591.

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CRIMINAL TRIALS

IN SCOTLAND,

FROM A.D. M.CCCC.LXXXVIII TO A.D. M.DC.XXIV.

EMBRACING THE ENTIRE

REIGNS OF JAMES IV. AND V., MARY QUEEN OF SCOTS, AND JAMES VI.

COMPILED FROM THE ORIGINAL RECORDS AND MSS.

WITH

HISTORICAL NOTES AND ILLUSTRATIONS,

BY

ROBERT PITCAIRN, ESQ.

WRITER TO HIS MAJESTY'S SIGNET, F.S.A. SCOT. AND HON. F.S.A. PERTH, &c.

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CRIMINAL TRIALS

AND OTHER PROCEDURE BEFORE THE HIGH COURT OF JUSTICIARY.

CURIA JUSTICIARIE S. D. N.[1] REGIS tenta et inchoata, in pretorio burgi de Edinburghe, &c. per honorabilem virum Magiſtrum Thomam Craig, Juſticiarium deputatum nobilis et potentis domini, Archibaldi comitis Ergadie domini Campbell et Lorne, Juſticiarij Generalis dicti S. D. N. Regis, totius regni ſui, vbilibet conſtitut.

Sectis vocatis et curia affirmata.—INTRAN.

Slaughter.

March 15, 1568-9.[2]—GEORGE HEPBURNE of Elſtanefurd, Adame Hepburne of Kingſtoune, Adame Nicholſoun in Hailis, Adame Lamb in Elſtanefurd, and ſeventy-four others.

Delatit[3] off arte and parte[4] of the ſlauchter of vmq[le] Johnne Geddes, ſeruitour to James Erle of Mortoune, committed in the moneth of . . . . . .[5] laſt bypaſt; and vtheris crymis contenit in the lettres direct thairupoune.

Alexander Hoy in Lyntoune, *alias Lard Hoy*, and a number of other ſureties were fined, for non-appearance of the pannells: thoſe not appearing, were ordained to be denounced rebels and put to the horn, and all their moveable goods to be eſcheated, &c. The procedure is not inſerted.[6]

[1] Supremi (serenissimi) domini nostri. [2] It is proper to observe at the outset of the work, that by the mode of reckoning in Scotland at this period, the year uniformly commenced on the 25th, and ended on the 24th day of March. This practice was universally observed, until the beginning of the seventeenth century, when the style was changed by an express enactment, and the year was thenceforward declared to commence, (especially in all public writings and instruments) with the 1st day of January, from and after January 1, 1600. The want of attention to this fact, has led to many mistakes in the quotation of dates, &c. [3] Accused, denounced, Law Lat. *delatare, deferre.* [4] Being accessory to. [5] Left blank. [6] See Apr. 26, & Mar. 6, 1569.

Appointment of Serjeand of Justiciary.

April 5, 1589.—Richart Bynning producit ane Gift, vnder our fouerane lordis priue fele, for vfeing and exerceing of the office of Serjandfchip in the Courtis of Jufticiarie, then vacand and pertening to our faid foueraine lord, throuch deceife of Johnne Pennycuke, laft poffeffour thairof; conforme to the quhilk Gift, he defyrit the faid Juftice to admit him in the office thairof: Quhilk defyre being thocht reafonabill be him, the faid Rychert wes fworne and admittit, &c.

Slaughter.

April 5.—Mark Home and William Home, fonis of John Home of Coldinknowis, Thomas Stevinfoun and Thomas Lyndefay, their fervants, and others.

John Home of Carroldfyde, and Nicholas Carnecroce of Calfhill, as pledges for the entry of the above pannels, to underly the law, for art and part of the cruel flaughter of Alexander Haitlie, natural fon of John Haitlie of Mellerftanis, on Feb. xxij laft, were fined for their non-appearance; and the pannels ordained to be denounced, and their goods efcheated, as fugitives from the law.

Keeping the Bar of the Court of Justiciary—Magistrates of Edinburgh.

April 18.—The quhilk day, comperit Adame Fowlertoune, Baillie[1] of the burch of Edinburch, and proteftit in name and behalf of the Proueft[2] and toune thairof; becaus he wes this day requyrit be the Juftice Clerk, in name of my Lord Regent, to keip the bar, in place of the Scheref of Edinburch, quha fuld ferue and deput officeris to that effect: That thairfoir, his feruice maid this day, conforme to the faid command, fuld nocht induce ane preparatiue[3] to thaim, in tymes cuming.

Slaughter.

April 18.—Alexander Achesoun of Goffurd, Thomas Miller his feruand, Patrik Low, Henrye Cauldwell, Andro Moffett, Nicholl Achefoune.

Delatit of arte and parte of the flauchter of vmq[le] Johnne Sinclaire in Abirladye.

[1] One of the Magistrates, equivalent to Alderman, *ballivus*. [2] Chief Magistrate or Mayor, *prepositus*. The Provost and bailies of Edinburgh themselves, had Criminal jurisdiction within the liberties of the city; and on account of their office, protested against their being called upon to preserve order in absence of the Sheriff, who, they pleaded, was the proper officer to attend to this duty. [3] Should not serve as a precedent against them.

Persewaris.
The relict, with Thomas and Williame Sinclaris, ſonis; and the kyn and freindis of vmq^le Johnne Sinclare in Abirladye.

Prelocutouris for this pannell.
The Lard of Trabroune, The Lard of Balwerye, The Lard of Boquhayne, The Barroune of Fingaſk, Mr Alexander Syme, Mr Johnne Scharpe.

The prelocutouris aſkit inſtrumentis, that the (King's) Aduocat comperit nocht conjunctlie, to perſew the pannell. The caſe was continued againſt 'Acheſoun and his ſeruand to the fyft day of Maij nixtocum. Plegiis, Domino de Ornueſtoune et dicto Alex. Acheſoune.' The other four were diſchargeit be the Juſtice and his Aſſeſſouris,[1] in reſpect of thair youth.

Hurting and Wounding, &c.

April 18.—Williame Sinclare in Goffurd mylne, Johnne Sinclare, his ſone, Robert Sinclare, bruder to the ſaid Williame, Adame Lerthmonth in Abirladye, Thomas Sinclare, ſone to Johnne Sinclare in Abirlady, Williame Sinclare, his bruther.

Delatit of the hurting and wounding of Johnne Reid in his heid, to the effuſioune of his blude; and ſtryking of Johnne Lowrye, with diuerſe bauch[2] ſtraikis.

All thir perſonis foirſaidis ar diſchargeit be the haill perſewaris, contenit in the vtheris lettres direct thairvpoune, except Johnne Lowrye and Johnne Reid, quhilkis perſewis the ſaidis Thomas and William Sinclaris, brotheris, for the offence and crymes committit and done vnto thame.

Prelocutoris for thir twa Sinclaris on pannell.
Archebald Dowglas of Kilſpindie, The Lard of Blanter, Olipher Sinclare, Peter Hay of Melgynche, The Maiſter of Sinclare, Mr Henrye Kinroſe.

The ſaid Williame Sinclare at the mylne and Johnne his ſone, aſkit inſtrumentis, that thai come nocht to perſew the ſaid Alexander Acheſoun of his lyfe; bot to defend the lyfes of thair freindis that ar perſewit on pannell.

The Prelocutouris for the haill vther pannell, aſkit inſtrumentis, that they wald nocht perſew the Sinclaris, bot defend the lyfe of the ſaid Alexander thair freind, perſewit be the ſaidis Sinclaris; quhom thai vnderſtude to be innocent of the cryme quhairof he wes accuſit.—Continued to the fyft of Maij nixtocum; Plegio, Olivero Sinclare. On which date (May 5,) it was recontinued to the Juſtice-air of Edinburgh, 'tertio Itineris, vel premunitione xv dierum.'

Slaughter.

April 26.—Adame Hepburne of Kingſtoune, and twenty-two others.

[1] From numerous similar entries in the course of the Record, it is evident that some of the Lords of the Privy Council, commonly sat in judgement with the Justiciar, as Assessors. The King himself was often present, as may be seen from many of the subsequent entries. [2] Violent, deadly blows.

Dilatit of art and part of the flaughter of vmq^le Johnne Geddes, fervitour to James Erle of Mortoune, &c.[1]

Thir perfones ar all difchargeit, at command and confent of the Erle of Mortonne, and partye perfewaris; be ane tekett, prefentit in jugement to the Juftice Clerk, be Mr Archibald Dowglafs.

Slaughter.

May 6.—GEORGE SKIRWING in Traprane, Mr James Arnot in Lyntoune, Patrik Sydeferf, younger of that Ilk, and forty-four others.

Delatit of the flauchter of vmq^le Johnne Geddes, &c. (as above.)

The Erle of Mortoune proteftit, in caife the perfonis of Affyife acquit the perfones on pannell, of the crymes contenit in dittay, that thai thairfoir incur wilfull errour.[2]

VERDICT. All thir perfones ar acquit of arte and parte of the crymes contenit in the Dittay[3] be the Affyife.

Mutilation, &c.

May 10.—RICHERT MEGOT in Howpis, James Dobye, flefcheour in Edinburgh.

Delatit of the mutilatioune of Johnne Farer of his left hand, and vtheris crymes contenit in the lettres direct thairvpoune.

PERSEWARIS of this pannell.	Their PRELOCUTOURIS.[4]
Johnne Farer, fone to Thomas Farer,	Alexander Wardlaw of Currehill,
Chrifteane Harrat (in Ravelrig,) his moder.	James Somernile of Humbye.

VERDICT. The Affyfe, for the maift parte, be thair deliuerance, fylis and conuicts Richert Megot in the Howpis, and James Dobye, of airt and pairt of the hurting and wounding of the faid Johne Farer in his heid, abune the vane organe,[5] and in the foirpairt thairoff: And hes cuttit his left lug:[6] And hurting and wounding of him alfwa, in his left arme and diuerfe pairtis thairof, to the effufioune of his blude in greit quantitie; committit at the Waft end of the burcht of Edinburgh, at Lowreis-dykis, vpoune the tent day of Januar laftbypaft,

[1] See March 15, 1568. [2] This iniquitous practice of protesting against the Assise for wilful error, in case they acquitted the pannell, was justly complained of as a very heavy grievance. It was not formally abolished by the Legislature until the reign of Will. and Mary. Vide Acta Parl. IX. 45, 13 Apr. 1689.—Hume on Crimes, Edit. 1819, I. 410. Instances frequently occur in the Record, of heavy fine and imprisonment following a verdict pronounced in the face of such a Protest. They were tried in presence of an Assise, but generally submitted to his Majesties will, rather than permit the case to go to trial. [3] The Indictment, Law Lat. *indictamentum*. [4] No Prelocutouris are marked for the pannell. [5] The *vein-organ* is usually considered to be the flank or iliac veins; but in this case, and in many others on record, the term seems also to have been used at this period to denote the jugular vein. [6] Ear.

vpoun ſuddantie, &c.; continuand thair delyuerance, anent the mutilatioune, to the thrid day of Auguſt nixtocum.[1]

Abiding from the Raid of Brechin.

May 13.—Williame Ramsay of Mwrye.

Delatit for remaning fra the Raid[2] ordanit to have convenit at Brechine.[3]

Continued to the Juſtice-air of Perth. 'Plegio, Wilelmo Scot de Baluerye, tertio Itineris, vel premonitione xv dierum.'

Slaughter—Battle of Langside.

May 13.—Johnne Sibbald in Kirklandhill, John Girdwod in Newbigging.

Delatit for the ſlauchter of vmq^le James Barclay at the Langſyde, &c.

Prelocutouris for this pannell.

Alexander King, Mr Richert Strang, Hew Cokburne, brother to Scraling;

The aſſiſe ſworn in this caſe, (amongſt whom is Robert Tynto of Crympcramp,) conſiſts of only eleven, who 'acquit' the pannell.

Slaughter—Battle of Langside.

May 21.—Johnne Wilsoun in Bordland, Johnne Armour there, and eleven others.

Dilatit for the ſlaughter of James Ballanye in Preſtoune, James Douglas ſoldier (militis ſtipendiarij,) and William Purwes, ſervant of Alexander Home of Manderſtoun, at Langſyde, in the county of Renfrew, xiij. May 1586.

Hugh Erle of Eglintoune as ſurety for theſe pannells, is amerciated for their non-appearance, in the ſum of iij^c. xx lib.; and the perſons on pannel ordained to be denounced rebels, and all their goods eſcheated,[4] &c.

Slaughter.

May 26.—Henry Congiltoune, tutour of Congiltoune, Andro Congiltoune, his bruder, Andro Reidpeth in Deringtoune, Thomas Reidpeth, his ſone, Adame Nicolſoun in Hailis, Thomas Liddell in Smetoune, John James thair, and Robert Neiſbet.

Delatit of art and part of the ſlauchter of vmq^le Johne Geddes,[5] and vyeris

[1] See August 3. [2] The gathering of the King's army, oist, or host. The usual signification of this word, is, an *inroad*, hostile incursion or invasion; and generally implies, that the parties concerned were mounted on horseback. [3] By Acts of Privy Council, Apr. 20, and May 16, 1659. [4] Confiscated. [5] See Mar. 15, 1568.

crymes contenit in the lettres.—Continued to Jul. xxvj. Plegijs Thomas Fawſyde de eodem, Domino de Reidpeth, &c.

Fine of Court—High Treason—Battle of Langside.

July 5.—ALEXANDER KINGRAGGE in Auld Lundoris.[1]

Quo die, Joannes Arnot in Wodmylne, ſepe vocat. tanquam plegius, ad intrand. Alexandrum Kincragye in Auld Lundoris commoran. coram Juſticiario ſ. d. n. Regis, ſuiſue deputatis, prefatis die et loco; ad ſubeundum legem, pro illius proditoria venientia cum ſuis complicibus, cum connocatione ſubditorum domini ſ. d. n. regis ad numerum . . . . . perſonarum, more bellico armat. in comitiua cum diuerſis ſ. d. n. regis conſpiratoribus, in inſtructa acie ſeu bello, cum vomentis curriculatis[2] et extenſis vexillis, contra ſ. d. n. regem et chariſſimum ſuum conſanguineum Jacobum comitem Morauien. dominum Abirnethie, &c. regni ſui ac ſubditorum ſuorum Regentem, apud Langſyde, xiij die menſis Maij anno lxviij; et ibid. perſonas dicti Domini Regentis aliorumque fidelium Conſiliariorum et ſubditorum, pro ſuis interfectionibus et diſtructione crudeliter et proditorie invadendo; necnon pro crudeli interfectione quondam Jacobi Ballany in Preſtoune, Jacobi Dowglas militis ſtipendiarij et Willelmi Purwes ſeruitoris Alexandri Home de Manderſtoune, eadem tempore preſcript. commiſſ. Prout in literis regijs deſuper direct. plenius continetur. Et non comparen. amerciatus fuit idem Joannes Arnot, tanquam plegius predict., in penis contentis in Actis Parliamenti: Necnon decretum et adjudicatum fuit, per dictum Juſticiarium deputatum quod predictus Alex. Kincragye ad cornu ſ. d. n. regis denunciatur et quod omnia eorum bona mobilia vſui ſue ſerenitatis applicabuntur ſeu eſchaetabuntur tanquam fugitiuus a ſua lege pro dicto crimine.

Abiding from Raid of Brechin—Protest.

July 6.—WILLIAM RAMSAY of Mwrye.[3]

Comperit and aſkit inſtrumentis, that he preſentit him ſelf on pannell, and offerit him reddye to vnderly the law, for ony cryme that mycht be imputt[4] to him. And in reſpect that he was ſummond be owr ſouerane lordis lettres to this day, and that na perſewar comperit to that effect, proteſtit that he mycht have actioune aganis the purcheſſaris of the ſaidis lettres, and that his ſouerte fundin be him of befoir incur na danger, &c.

[1] See May 21, 1569.—The Editor inserts this entry at length, to show the mode in which the earlier record is kept; and which was adhered to for a considerable time, in so far as relates to the marking of fines, &c. [2] Cannon or pieces of ordnance mounted on wheeled carriages. [3] See May 13. [4] Imputed.

Sheep-Stealing.

July 14.—Achilles Hendersonne.

Delatit of the thiftuous fteling of ix lambes fra the perfones contenit in dittay, quhilkis he confeft in jugement to be of veritie.

Verdict. The Affyife fylit and convict the foirfaid Achilles of the thiftuous fteling of the faidis lambes, in refpect of his confeffioune foirfaid; and alfe of commoune thift.—Dome gevin, that he of his awin confent is baneift the boundis of Sanct Margrettis paraheine,[1] Edinburgh, and fcherefdom thairof, and fcurgeit throwch the toune. 'Flagellat.'

Mutilation and Demembration.

Aug. 3.—Richert Megot in Hoipis, and James Dobye in Edinburgh.[2]

The Juftice, with bayth the parteis confent, allows Robert Abirnethie in Cornehoufe to be received on the Affife, in abfence of Patrick Loutfut at the Weft Port of Edinburgh, (who was 'unlawit' in xl lib.)

Comperit alfwa in jugement, in prefence of the faid Juftice-depute, Nowye Buyffat, dekyn of Scherurgianis,[3] and producit this writting following, quhilk bayth the parteis foirfaidis defyrit to be infert and regiftrat in the buikis of Adiornale; quhairof the tennour followis.

Testimonial *of the Cherurgianis.*

Apud Edinbur^t^. xxvij^o^. die menfis Junij, Anno Domini millefimo quingentefimo fexagefimo nono. The quhilk day, at findry tymes befoir, at þe queift[4] and defyre of my Lord Juftice Clerk, wes prefentit befoir me Nowye Buyffatt dekyn, Robert Henryfoune, Patrik Hardy, and Alex. Tuedye, cherurgeanis and burgeffis of Edinburgh, my breder,[5] ane callit Johme Farer, quha wes hurte vpoun the left arme, on the elbok, on the arme beneth, and on the hand; to have our jugementis, quhidder that the faid Johnne fuld be mutulat or no of the faidis hurtis and woundis þan being haill: Eftir lang confultatioune and ernift advyfement, we fand the faid Johnne nather to be mutulat nor impotent of his arme nor hand; bot þat it wald be daylie better, gif he wald make laubouris vpoune it: And þis we teftefie be þis our hand wrytis and fubfcriptioune to all and findry to quhome it efferis, day, ȝeir and place foirfaidis.

Nowy Byssat, Dekin of the Cherurgeanis. Robert Henrysoune, w^t^ my hand.
Alex. Tuedy, w^t^ my hand. Pat^k^. Hardy, w^t^ my hand.

Verdict. Efter productioune of the quhilk wryting, the haill Affyife foirfaid being removit furth of Court, and being well and ryplie adwyfit with the famin, reenterit again in jugement; and be thair delyuerance pronunceit be Eduard Paterfoune, (at the Quarrelhoiles,) chanceller, ffand the faid Richert Megot and James Dobye to be convict of the crewale hurting and wounding of the faid Johnne Farer in his heid abone the vane organe, and in the foir pairt

[1] Parochin, parish. [2] See May 10. [3] Surgeons, Old Fr. *Chirurgiens.* [4] Requisition.
[5] Brethren in profession.

thairof and cutting of his left lug; and hurting and wounding of him alſwa in his left arme in diuerſe pairtis thairof, to the effuſioune of his blude in greit quantitie; commitit at the weſt end of the burch of Edinburgh, at Lowriesdykis, upoune the tent of Januar 1568: and acquittis thaim of the mutilatioune and haill remanent poyntis contenit in the lettres and dittay.

(On the margin) xvij Aprilis 1571. This pane and contentis of the amerciament, in ſa far as concernis the King, is deleit, be precept and command of the theſaurer.

Treason—Theft—Spuilzie.

Nov. 18.—Johnne Leyis.

Conuict and filit be Aſſyſe, off arte and parte of the cuming, with conuocatioune of the lieges of this realme, to the nowmer of thre hundreth perſonis, bodin in feir of weir,[1] with jakkis,[2] ſperis, ſteilbonnettis, culueringis[3] and vtheris wappinnis *inuaſiue*, incontrair the Actis of Parliament, vpoune the . . . day of Januar 1568; in weirlike manner, with feit and wageit ſuddartis,[4] and men of weir, to the caſtell, towre, fortilice, and place of Wauchtoune, being in keping for the tyme of Johnne Carmichaell younger of that Ilk, at the ſpeciale command of our ſoueran Lordis derreſt Regent; and thair maiſt awfulie perſewit, aſſaultit, and aſſegeit the ſaid caſtell, tour, fortilice, and place, and crewalie ſlew vmq^le^ Johnne Geddes,[5] hurt and woundit Archebald Dowglas, Thomas Gardner, and Johnne Angus, garytour[6] in Wauchtoune, be ſchottis of culueringis and vtherwyiſe in diuerſe pairtis of thair bodeis, to the greit effuſioune of thair blude, in perrell of thair lyves; vpoune ſett purpois and prouiſioune: And for arte and parte of the vmbeſetting[7] of the gait to Johnne Murdo, tailliour burges of Edinburgh, and Mauſe M'Kaſke, his ſpouſe, at the Craikhill, quhair thai wer cumand furth of the toun of Dunbar, to thair awin duelling-place in Edinburgh; and thair invading thame for thair ſlauchteris; cutting of the ſaid Mawſe purſe, quhairin wes gottin xxxv Crownis of the ſone, ſex Angell-nobillis, twa Roiſe-nobillis, ane Harye-nobill, ane Portugall-ducat, xviij pece of diuerſe fortis of Scottis cunze of gold, ane xliiij ſ. pece, twa Inglis Teſtanis,[8] foure pundis money, ane chenze of gold,[9] weand twa vncis and ane half or thairby; thre Obligationis contenand diuerſe ſowmes of money awand to the ſaid Johnne: And als, ſpulzeit and reft[10] fra him ſelf, ane foir hewit[11] horſe, with his hail harneſing, extending to the awaill of foureſcoir pundis; with his awin cloik and hatt, ane

[1] In warlike array. [2] Short shirts or coats of mail. [3] A large kind of musket. [4] Feed (waged) and hired soldiers. [5] See Mar. 15, 1568, &c. [6] Warder, watchman or sentry of the tower or battlements. Fr. *guarité*. [7] Besetting, blocking up of the high road and attacking. [8] Testoons, so called from the *teste* or head which was impressed on them. [9] A gold chain. [10] Spoiled and took by violence. [11] Sorrel or reddish coloured horse.

ſwerd, ane quhingeare,[1] ane purſe with fyve pundis of quhyte ſiluer[2] contenit thairintill: And led and convoyit him as captiue and preſoner to the toune of Hammiltoune (Haddingtoun?) quhair he wes put in ſtokkis, and thairefter compellit to pay ranſoune. This was done in the moneth of Januar, the yeir of God, I^{m}.V^{c}.lxviij yeiris.

Sentence. For the quhilk, he wes be Dome, pronunceit be the mouth of the dempſter, ordenit and adiugeit to be had to the Caſtle-hill of Edinburgh, and his heid to be ſtrikin frome his body; and all his movabill gudis to be eſchetit, and inbrocht to our ſouveran lordis vſe.

Treason—Slaughter—Resetting—and Intercommuning.

Nov. 24.—George Hepburne of Elſtanefurd.[3]

Prolocutouris.

Mr Edmund Hay, Mr Thomas Bannatyne,[4] My Lord Lyndſay.

Verdict. The haill perſones of Aſſyiſe Acquittis the ſaid George off arte and pairt of the ſlauchter of vmq^{e} Johnne Geddes, and hurting and wounding of diuerſe vtheris; committit at the ſege of the place and fortilice of Wauchtoune, in the moneth of Januar laſtbypaſt, be Andro Hepburne, ſone naturale of the ſaid George, of his cauſing, ſending, reſſetting,[5] command, aſſiſtance and ratihabitioune:[6] And of arte and parte of the intercommoning,[7] reſſetting and ſuppleing with Harye Hepburne of Fortune, Patrik Hepburne of Kirklandhill, and thair complicis, rebellis and declarit traitouris, in plane parliament, for certain crymes of Treaſoun and Leſe-maieſtie, committit be thame; Off the quhilkis thai wer conuict in Parliament: And als, for reſſetting and intercommoning with Andro Hepburne, his ſone foirſaid, the tyme of his being denuncit rebell, and att the horne for the cryme foirſaid: And for arte and pairt of the ſlauchter of vmq^{le} James Ballanye in Preſtoune, James Dowglas, ſuddart, and Williame Purweſe, ſeruetour to Alexander Home of Manderſtoune, at the Langſyde, vpoune the xiij day of Maij 1568, committit of his cauſing, hounding, ſending, command, aſſiſtance and ratihabitioun.

[1] A short sword or *hanger*. [2] Being small change in silver, probably reserved by him for defraying the expesnes of his journey, the more valuable store being entrusted to his wife; in hopes that, if they fell in with thieves by the way, they would not molest his better half. It is not unlikely, that in this, as in many other similar cases, 'the grey mare was the better horse.' [3] See Mar. 15, 1568, &c. [4] Afterwards Lord Newtile, one of the Senators of the College of Justice, and brother of the now celebrated George Bannatyne,—in honour of whose invaluable compilation of Scottish Poetry, The Bannatyne Club, recently formed, has been named. In a MS. of George Bannatyne the following notice occurs:—'Maiſter Thomas Bannatyne, my bruder, deceiſit the xiij of Auguſt, 1591 yeiris, being of the aige of li. yeiris, and ane of the Lords of the College of Juſtice, &c. He left of chyldryne vij ſonis and four dochteris,' &c. [5] Receiving, harbouring. [6] Confirmation, Law Lat. *ratihabere, confirmare*. [7] Holding conference or intercourse with one who had been denounced rebel against the king.

Slaughter.

Dec. 1.—JOHNNE, alias JOK ALLANE, in Stow of Woddell.

CONUICT be Affyife of the crewall flauchter of vmq^le George Kay, fmyth, within the toune of the Stow, in the moneth of Nouember laftbypaft, vpoun the xij day of the famin moneth. 'DECOLLAT.'

PERSEWARIS.

Johnne Blakye in Mortounhall. Johnne Broun tailliour in Edinburgh.

Treason—Convocation of the Lieges—Battle of Langsyde.

Dec 6.—JOHNNE BROUNE of Carflench.[1]

Dilated of art and part of convocation of the lieges, bodin in feir of weir, and coming to the lands of Langfyde, &c.; and for the cruel flaughter of James Ballanye in Preftoune, &c. Came in the King's and his Regent's will for thefe crimes; and found Thomas Maclellane of Bombye cautioner, &c.

Treason—Slaughter—Abiding from the Raid of Hawick, &c.

Dec. 6.—JOHNNE CARKETTILL of Marcle, George Carkettill, his fonne.

Indytit bayth for arte and parte of the flauchter of vmq^le James Ballanye in Preftoune, &c. as above: And als for remaning fra the Raid[2] and oift[3] ordanit to convene at Hawik, vpoune the xviij day of October laftbypaft; incontrair the proclamatioune maid thairupoune.

PROLOCUTOURIS.

The Lard of Innerleyth, The Lard of Dalhowfye, Johnne Logane of Coitfeild,
Mr Edmond Hay, Alexander King, Alexander Home.

The Juftice, in refpect of the non lauchfull fummonding of Johnne Carkettill younger, and allegeance proponit in his name, defertis the count fra his parte, and fuperfedes all proceding aganis him, *pro loco et tempore*. Quhairupoune he afkit actis and inftrumentis.

ASSISA.

Johnne Sydferfe of that Ilk, Patrik Creychtoune of Lugtoun, James Johnftoune of Weftraw,
Thomas Fawfyde of that Ilk, Patrik Monepenny of Pilrig, James Ramfay of Cokpen,
George Dundas of that Ilk, Walter Hall in Preftoune, Williame Reidpeth, younger of that Ilk,
Olipher Sinclare in Quhyte Kirk, Williame Moncrief, younger of that Ilk, W^me. Paterfoune, burges of Ed.
Johnne Finlawfon of Killeyth,

Dec. 8. VERDICT. This Affyife, in ane voce, be thair deliuerance, filis and conuictis the faid Johnne Carkettill, of his contempnabill remaning and byding at hame fra our fouerane Lordis Raid, ordanit be his hienes lettres of proclamatioune to have convenit at Hawick, vpoune the xviij day of October laftbypaft;

[1] See July 5, 1569. [2] Gathering of the King's army. [3] Hoft.

incontrair the tennour thairof and publicatioune maid of the famin: And acquittis the faid George of the haill (other) crymes contenit in the Dittay. The deliuerance heirof, pronunceit be Olipher Sinclare, chancellare of the faid Affyfe, in prefens of the Juftice, octauo Decembris, anno prefcript.

George Home of Aytoune, Robert Fairlie of Braid, Johnne Pennycuke of that Ilk, James Home in Dunbar, Francis Dowglas of Spittell, William Lauder of Haltoune, James Home, younger of Coldinknowis, George Heriot in Langnudrye, Williame Scot of Balwerye, Mathow Sinclare, bruder to the Lard of Roiflin, (and nine others,) ilk ane of thaim, *refpectiue*, wer vnlawit in the panis of xl pundis, for non-comperance, to pafs vpoune the faid Affyife, viz. ij^{c}.xl lib.[1]

Convocation of the Lieges—Oppression, &c.

Dec. 13.—Johnne Broune, fone to Johnne Broune in Mollance, Williame Kurour in Blakerne, Johnne M'Kinftray in Grange, Johnne Smyth elder thair, Johnne Smyth younger, his fone, thair.

Verdict. The perfones of Affyife, be thair deliuerance, in ane voce, filis and conuictis the faidis Johnne Broune, &c., off arte and parte off the conuocatioune of our foueran lordis liegis, to greit nowmer; bodin in feir of weir, with lancis, ftalffis, fwerdis, and quhingearis; incontrar the Act of Parliament, and cumand to the ground of the lands of the Bordland, for away-taking of the hay being thairon; and thairefter beft[2] and dang Catherine M'Ke, fpous to Robert Levingftone of Lytill Airdis, with bauch ftraikis,[3] in findry pairtis of hir body, at the watter fyde of De, within the famin landis of the Bordland; committit vpoune fuddantie, in the moneth of Januar, the yeir of God, I^{m}.V^{c}.lxiij yeiris: For the quhilk, thai wer fynit with the thefaurer.

Protest.

Dec. 16.—James Stewart, bruther to the Lard of Traquair.

Mr David Borthwik, prelocutour chofin for the pairt of the faid James, afkit inftrumentis, that the faid James offerit him felfe reddye to vnderlye ane Affyife, for all crymes in the lettres purcheft in his contrair. The (King's) adnocat, Mr Johnne Spens, being prefent in jugement, declarit that he wald nawyife perfew, &c., thairfore (the pannel) proteftit, &c.

Adultery.

May 11, 1570.—Patrik Vrquhard.

[1] This latter notice has been preserved, on account of the names of the 'Affyfouris,' and to show the practice of the Court at this period. [2] Beat, *basted*. [3] Violent or deadly blows.

Delatit of the filthie and abhominabill cryme of Adulterye, committit be him with Jonet Dauidſone, ſpous to George Hopper, burges of Edinburgh.

PRELOCUTOURIS.

Mr Johnne Scharpe,
Gilbert Thornetoune,
The Scheref of Murray, younger,
Alexander Donaldſoune,
Walter Mawer,
Walter Lowſoune.

PERSEWAR.

George Hopper burges of Edr.

HIS PRELOCUTOURIS.

The Lard of Spot,
The Lard of Ormiſtoune,
The Lard of Braid.

VERDICT. The Aſſyiſe, be thair deliuerance, pronunceit and declarit be the mouth and ſpeking of James Young (cutlare in Edinburgh) chanceller, ffand and deliuerit the ſaid Patrik, to be culpabill fylit[1] and conuict of arte and parte of the vſing and bering of familiare and priuat cumpanye, at ſindry tymes, be the ſpace of ane yeir or thairby laſtbypaſt, with Jonet Dauidſonne, lauchfull mareit wyfe to George Hopper, burges of Edinburgh; conuerſand and abuſand his body with hir, in the filthie and abhominabill cryme of Adulterye, within the ſaid Georgis awin duelling hous, and vtheris priuie places at his pleſſour: And ſpecialie, in the monethis of Januar and Februar laſtbypaſt, quhen he (George) wes abſent furth of this realme and cuntre, and depairtit to the pairtis of Ingland, for wynning of his leving, in the honeſt and lefull traffique of merchandice: The forſaid Patrik, than and diuerſe tymes ofbefoir, alſuele be day as nycht, in priuat and publict maner, hes conuerſit, uſit, hantit, and reparit with the ſaid Jonet Dauidſoune, ſpous to the ſaid George Hopper, in his duelling hous foirſaid, and vtheris ſecrete and priuie places, abuſand thair bodies ather of thaim with vtheris,[2] in the foirſaid filthie and abhominabill cryme of Adulterie: And in the meyntyme, hes thiftuouſlie ſtolin, ſpendit, waiſtit, delapidat, conſumat and putt away the ſaid George Hopperis money, gudis, geir, alſuele being within his merchand buith, as houſe foirſaid, for the tyme, at his pleſſour, to greit quantitie.

'CONVICTUS ET WARDAT.'[3]

Fire-raising—Spuilzie, &c.

May 12.—JOHNNE COMMENDATOUR OF THE MONASTERY OF SAULSYDE,[4] Johnne Johnneſtoune in Lowringis, Thomas Johnneſtoune, and Cuthbert Johnneſtoune, brothers of the ſaid Commendatour.

Caution is found for their entry before the Juſtice or his deputies, on the third day of the next Juſtice-air of Drumfreiſe, or elſewhere, on premvnition of xv

[1] Found guilty; literally, defiled; in opposition to another forensic term, 'clangeit,' *i. e.* cleansed, 'fund clean and acquit,' or 'affoilzied.' [2] With each other. [3] Convicted and imprisoned (*warded.*) A blank is left in the Record, for insertion of the final sentence. [4] Johnne Johnneſtoune; Soul-seat, Sedes Animarum, in Dumfries-shire. See June 26, 1572.

days; to underly the law, 'pro arte et parte Cumbustionis et Incendij diuersarum domorum, Johanni Johnnestoune filio Roberti J. de Craigaburne et Roberto J. de Newtoune pertinen.; Spoliationisque diuersorum bonorum in eisdem domibus pro tempore existen.; aliisque criminibus in literis regijs desuper direct. specificatis; secundum formam et tenorem earundem et sub penis in Actis Parliamenti contentis.'

Adultery.

June 14.—Williame Carnebye, baxter-burges of Edinburgh.

Persewar comperand,
Patrik Browne, indueller in Edinburgh.
His Prelocutour.
Johhne Lowrenstoune.

Prelocutouris for the said Williame,
Mr Johnne Moscrope, Mr Henrye M'Calzane,
James M'Call, William Fiddes,
Nicol Rynd, Walter Wawane, taillior.

Maisteris Johnne Spens and Robert Creychtoun of Eliok, Aduocatis for our souerane lord, being oft and diuerse tymis callit, comperit nocht.

Verdict. The Assyise, be thair deliuerance, pronunceit and declarit, be the mouth and speking of James Dalzell (at the West-port of Edinburgh) chancellar, ffand and deliuerit the said Williame to be culpabill, fylit and convict of arte and part of the vseing and bering familiare and privat cumpany, diuerse and sindry tymes with Jonet Strang, lauchfull spous and mariet wyfe to Patrik Broune, indueller in Edinburgh, vnder the castell wall thairof, conuersand and abusand his body with hir in the filthie, vyle, and abhominabill cryme of Adulterie, within the said Patrikis awin duelling house and place, within the said burgh, vnder the said castell wall thairof, in the house of Catherine Scot in Ryplochis wynd, within the samin burgh, and diuerse vtheris priue partis and places, at thair plesour, alsuele be day as nycht, in the monethis of October and Nouember, the yeir of God I^{m}.V^{c}.lxviij yeiris, December and Aprile lastbypast; the said Williame hauing Jonet Paslay to his awin lauchfull spous and wyfe on lyve: And in the meyne tyme, hes thiftuouslie stollen, spendit, wastit, delapidat, consumit, and put away the said Patrikis gudis, geir, money, and wictuallis to greit quantitie, and thairthrow causit the said Patrik to skaill[1] his house and familie thairof, and hes putt him self thairby to vtter rewyne, herefchip,[2] and pouerte, &c.

And thairfoir wes put in ward within the said Tolbuith of Edinburgh, quhill[3] ordour had bene takin heiranent.

Fines of Court.

July 5.—'Md. The haill vnlawis preceding this dait, wer extractit and

[1] To *displenish* his house and disperse his family. [2] Utter ruin, destitution, and poverty. [3] Until.

delyuerit to the thefaurer, xix Augufti 1570; the fowmes quhairof extendit to Ix^{m}.j^{c}.xx ib.; by[1] the amerciamentis of perfounis adiugeit for flauchter of Geddefe and Affege of Wauchtoune.'

[Hearing of Mass, &c.]

Sept. 4.—Dame Marye de Pyeris Lady Seytoune,[2] and Robert Seytoun, hir fone.

The lady, befoir the calling of the Affyife, allegeit that fcho fuld nocht be putt to the knawledge thairof in this caus, without hir hufband, quha being hir heid, wer warnit to this effect.—Mr Johnne Spens (King's) Aduocat, allegit in the contrair, be reafoun that in this maner of proceding criminalie, fcho mycht be put to Affyife in refpect of hir offence, without warning maid to hir hufband foirfaid.

The Juftice findis, nochtwithftanding the allegeance foirfaid, forther proces to be vfit.

The faid lady proteftit for remeid of law. The faid lady, and Robert hir fone foirfaid, befoir the admiffioune and acceptatioune of Affyife, in prefence of the faid Juftice-depute, offerit thame felffis in our foueran lordis will, and to my Lord Regentis grace in his name, in maner following, that is to fay . . . . . .[3]

Murder.

Oct. 4.—Mr Johnne Kello, minifter of Spot.[4]

Committer of the murthour of vmq^{le} Margret Thomefoune his fpous; committit be him within his awin lugeing in the toun of Spot for the tyme, be ftrangling of hir with ane towale, vpoun the xxiiij day of September laftbypaft, befoir noyne.

Sentence. For the quhilk he wes adiugeit be dome pronunceit, to be hangit to the deid, and thaireftir his body to be caffin in ane fyre and brint in affis; and his gudis and geir quhatfumeuir (pertening to our foueran lord) to be confifcat, &c.

[1] L.9,120, besides, over and above the fines, &c. [2] Second wife of George, fourth Lord Setoun, a French lady, who came to Scotland with Mary of Lorraine. [3] A blank left here in the Record. The Record affords no information of the nature of the crime. It may, however, be conjectured, from the religious tenets of the Wintoun family, that they were put upon their trial for intercommuning with and resetting Jesuites, or hearing mass said, &c. [4] 'The Confession of Mr Johnne Kello, minister of Spott, together with his repentance made vpone the scaffold befoir his suffering, the fourt day of October 1570,' was 'Imprinted at Edinburgh, be Robert Lekpriwick' (1570 Herbert's Ames.) Richard Bannatyne has inserted the whole Tract in his Journal, p. 39, which is well worthy of perusal. Kello was a person of considerable note, and of much religious profession. The circumstance of the murder, his subsequent deep contrition, his confession and execution, made a great stir at the time. These are noticed by Calderwood and several other writers.—Bartilmo, Barbara, and Bessie Kello, 'sone and dochteris to vmq^{le} Mr Johnne Kello,' got a gift of his escheat 'throw the said vmq^{le} Mr Johnne being conviet and justifeit to the deid, for the crewell and odious Murthure of vmq^{le} Margaret Thomesoun his spous.' Regist. Secr. Sig. Oct. 5, 1570.

Theft.

Oct 10.—Johnne Govane, fernitour to Mr Richard Strang, aduocat.

Delatit of the fteling fra James Kinroife of Kippanroife, of his purfe, within the paroche-kirk of Sanct Geill in Edinburgh, in time of fermond, upon the xvj day of Julij laftbypaft.

Assisa.

James Elphinftoun, bruder to the Lord Elphinftoune,
James Preftoune, apperand of Waylafield,
Robert Porterfield, feruand to the Erle of Murray,[1]
Robert Halden of Bellyfoule,
James Striueling in Striueling,
Johne Striueling callit of Butis,
James Striueling of Auchyle,
James Richardfoune in Edin^r.
William Weir, cordiner there,
James M'Gilleverye, alias Buchanan,
James Drummond, mafter ftabler to the Lord Drummond,
Michaell Elphinftoun, bruder to the Lord Elphinftoune,
Harye Balfour, feruand to the Erle of Mar,
George Drummond, apperand of Balloch,
Thomas Drummond, feruand to the Lady Richardtoune.

By a memorandum, preferved on the margin of the record, it would appear that Govane was 'Acquit.'

Treason—Convocation of the Lieges, &c.

Oct. 31.—Johnne Rait, bruder to William Rait of Halgrene, Robert Rait in Tippertie, Robert Neilfoune at the Kirke of Arbuthnot, Alexander Duncane, feruand to the faid William Rait, Mr Johnne Fowlertoune, and James Fowlertoune, fonis to Richard Fowlertoune in Claffingdrun, Johnne Rait in Sallieflat, Robert Wifchert and Johnne Riche, feruandis to the faid Robert Rait, Thomas Rait in Pitfkellie, Gilbert Lepar and Andro Lepar brether (brothers,) George Falconer in Ballandro, Johnne Rait in Berwye (Bervie,) Johnne Fettes, David Irwyne, George Rait in Furrathie.

Delatit of the making of ane ragment and ryme in name of Johnne the Commoune-wele, and divulgatioune thairof, with conuocatioune, &c.; and chefing[2] of Robert Hude and Abbot of Unreasoune,[3] within the parochin of Arbuthnot and vtheris pairtis *respectiue*, in the bounds of Mernis; and diuerfe vtheris crymes, at length contenit in the lettres direct thairupoune.

Prelocutouris for this pannell.

Alexander Mauchane, The Lard of Covingtoune, Alexander Guthrye of Kincoldrum, William Rait of Halgrene, Johnne Lindfay of Fairgirth.

[1] It may be noticed here, that the term 'feruand' was at this period frequently, indeed usually, employed to signify secretary, clerk, a dependent or follower of a nobleman, &c.; not merely a domestic 'fervitour.' The clerks of lawyers, writers, notaries, &c., were uniformly styled fernitors or feruands, as were pages, henchmen, and dependents, in the train of the great. [2] Choosing. [3] The popularity of these personages is too well known to stand in need of any explanation. For an abstract of the history of the Robin Hood games, and choosing of an Abbot of Unreason, reference need merely be made to Dr Jamieson's Dictionary, and the writings of Sir Walter Scott.

The advocattis foirſaidis aſkit inſtrumentis, that inſafar as the lettres quhairby the pannell is callit contenis Treaſonne, thay wald only ſpeik in this caus for thair defence, at command of ane delyuerance and charge of the lordis direct to that effect; and thairfoir proteſtit, &c.—Mr Johnne Speus, aduocat for the King, aſkit inſtrumentis, that he comperit to perſew at command of the Regentis Precept.

Replegiation to the Regality of Aberbrothock.

Eodem die predict. ROBERTUS RAIT, Robertus Wiſchart, Joannes Richie et Joannes Fettes dilatat. de arte et parte invaſionis Willelmi Sibbald, fratris Davidis Sibbald de Cair, pro ejus interfectione, et crudelis vulnerationis ejuſdem in ſuo capite, ad magnam ſui ſanguinis effuſionem, per omiſſionem tormenti minoris, lie *bent piſtolet;* et in mortis periculo eam relinquendo, vltimo die menſis Aprilis, vltimo elapſo, apud montem, lie *Sanct Gilbertis-hill* commiſs. prout in literis regiis deſuper direct. plenius continetur. Per Archibaldum Guthre ballinum in hac parte Georgij Commendatarij Monaſterij de Abirbrothok, virtute commiſſionis ejuſdem, Replegiati[1] extiterant ad privilegium et juriſdictionem ſui Regalitatis, quaſi infra bondas ejuſdem commorantes; aſſignando tertium diem proximi itineris dicti Regalitatis vel alibi ſuper premonitione xv dierum, pro eorum comperentia, ad ſubeundum legem pro dicto crimine. Plegio, Alexandro Guthre de Kincoldrum, pro eorum introitu ad ſubeundum legem pro dicto crimine, et predictus Willelmus Rait de Halgrene plegius deuenit pro adminiſtratione Juſtitie in premiſſis, ſecundum formam juris.[2]

VERDICT. The Aſſyſe acquit the haill pannell foirſaid, except the replegeit perſones foirſaidis, of all crymes contenit in thair dittay; and acquit thaim alſwa of the crymes of treaſoune mentionat in the ſamin: Quhairupoune teſtimonialis wer writtine to the parteis.

Slaughter—Mutilation.

Oct. 31.—JOHNNE ALEXANDERSOUNE, William, Gilbert, Andro, and Roger Sibbald in Cornetoune, brether to David Sibbald of Cair, William Barrye in Newtoune, David Strathauchin at the mylne of Thorntoune, John Sibbald in Caſteltoune, Robert Barrye ſonne to the ſaid William, John Watt in Boyburne, Dauid Sibbald of Cair, Catherine Strineling in Caſteltoune.

[1] The Bailie or Judge of every Regality, &c. having the privilege of criminal jurisdiction, was entitled, on finding surety for the due administration of justice, to appear at the bar of another Regality and even at the bar of the Supreme Court and claim the person of the pannel, if resident within his bounds. This was often the occasion of much injustice and oppression; for, though liable to be called to account for their conduct, the privacy of their proceedings, their distance from the seat of government, and the frequently disturbed state of the country, often prevented the circumstances from reaching the ears of the officers of the crown, excepting in very flagrant instances. [2] This entry has been inserted at length to show the mode of procedure, &c.

Delatit of the ſlauchter of vmq[le] Petir Rait, bruther to Robert Rait of Tibberta, and mutilatioune of the ſaid Robert of his rycht and left handis; committit in the moneth of Julij laſtbipaſt.

William, Gilbert, Andro and Roger Sibbald, and William Barrye came in the Kings will for the ſaid crimes, and found John Strathauchin of Thornetoune, ſurety for ſatiſfaction of the parties: David Sibbald of Cair binds himſelf to relieve him of his cautionry.

Prelocutouris for the pannell.

Mr Johnne Scharpe,	The Lard of Kynneir,	The Lard of Lathene,
The Lard of Balgonye,	The Lard of Rankelour,	Robert Lundye of Conland.

Mr Johnne Scharpe, as prelocutour foirſaid, aſkit inſtrumentis, that Robert Neilſoun and Robert Rait perſewaris comperand, declarit in preſence of the ſaid Juſtice-depute, that the foirſaid Catherine wes innocent of the crymes contenit in the lettres, and that thai in reſpect thairof wald nocht perſew hir, bot diſchargeit hir *ſimpliciter;* and thairfoir proteſtit, that quhatſumeuir ſouerte wer fundin at deſyre of the Juſtice, for hir comperance to underly the law for the ſamin, the thrid day of the nixt Juſtice-air, or ſoner, vpoune xv dayes warning, that the ſamin be nawyiſe preiudiciale to hir, nor ſcho aſtrictit to entir or compeir to that effect, for the caus foirſaid.

Verdict. The Aſſyiſe in ane voce, without diſcrepance, acquit the foirſaidis ſex perſonis on pannell of the ſlauchter and crymes contenit in dittay, quhairof thai wer accuſit in jugement; and proteſtit for thair teſtimoniallis.

Slaughter.

Nov. 4.—William Cwninghame of Aikett, William Fergufhill and Florence Crawfurd, his ſeruandis, Johnne Raburne of that Ilk.

Delatit of the ſlauchter of vmq[le] Johnne Mure of Cauldwell.

Prelocutouris for the pannell, My Lord Prowand, Mr David Borthwick.

The ſamin prelocutouris aſkit inſtrumentis, that thay preſentlie behovit to ſpeik in defence of the perſones accuſit, in reſpect of the lettres purcheſt be the Kings aduocattis, and of thair declaratioune maid in jugement, that thay wald inſiſt in perſute of this cauſe.

Mr Johnne Spens of Condie, ane of the foirſaidis advocattis, aſkit inſtrumentis, that he, be ane precept and wryting ſubſcryuit be my Lord Regent, wes chargeit to perſew the ſaidis perſones, and conforme to the command thairof, wald proceid to proces; quhilk wryting he deſyrit to be inſert in the buikis, for his warrand quhairof the tennour followis.

Advocattis. It is our will and we charge ȝow, þat ȝe perſew our Souerane Lordis lettres raiſit aganis William Cwninghame of Aiket, and Johnne Raburne of þat Ilk, and þair complicis, ffor arte

and parte of þe ſlauchter of vmq^le Johnne Mwre of Cauldwell, at þe day contenit þairintill, but[1] delay or differring: As ȝe will anſuere to his Maieſtie and ws þairvpoune. Subſcriuit with our hand att Edinburgh, the thrid day of Nouember, 1570. MATHOW, REGENT.

The ſamine day comperit Williame Edmeſtoune, in preſens of my Lord Juſtice and his deputtis, in jugement, and exponit and declarit, that fforſamekill as Williame Cwninghame of Aiket, and Johnne Raburne of that Ilk, his gudſone,[2] and remanent perſonis on pannell, be thair awin meane and informatioune, at the leiſt be informatioune of vtheris in thair names, off thair cauſing, had purcheſt lettres at the inſtance of our ſouerane lordis advocattis, vpoune thaimſelffis, for the ſlauchter of vmq^le Johnne Mwre of Caldwell, kny^t. committit and done be vmq^le Alexander Cwninghaim younger of Aiket, and be thair caus, command and reſſett off bludie hand, the ſaid William for the intertennement of his gudeſonne, quha wes actouris, factouris, and principale committaris of the ſamin be thaim, the tent day of September laſtbypaſt, vpoune the Erle of Caſſilles landis callit the Bordlandis; and thairwith, have cauſit charge thaimſelfis to find ſouerte to vnderly the law for the ſaid ſlauchter in the tolbuith of Edinburgh, befoir the Juſtice or his deputtis, the ferd day of Nouember inſtant; as alſwa cauſit ane Aſſyſe to be ſummoned to that effect, of ſic perſones as thai beſt pleaſit, bayth ſuſpect and nocht knawand the veritie: To the perſute of the quhilk caus, Robert Mwre now of Cauldwell, ſonne to the ſaid vmq^le Johnne wer nevir warnit nor requirit, nor gave information to the raiſing of the ſaidis lettres, nor had knawlege thairoff: And the ſaid Johnne Raburne duellis within the Regalitie of my Lord of Sanct Johnne, and in hurt and preiudice of the preuelege of the ſaid Regalitie, hes declynit thairfra, and tane him to the ryaltie to this effect: And thairfoir, allegit, that my Lord Juſtice nor his deputtis heir preſſent, ſuld nocht put the ſaid William Cwninghame of Aiket, and the ſaid Johnne Raburne of that ilk to the knawledge of the ſaid Aſſyiſe, be vertew of the ſaidis lettres; the ſaid Robert Mwre nevir being warnit nor requyrit to the perſute thairof; and as he underſtude, the aſſurance betuix the Lordis vnrun-out: In the meyne tyme thairfoir proteſtit, gif my Lord Juſtice or his deputtis did in the contrair, that the ſamin wer nocht preiudiciale to the ſaid Robert Mwre; bot that he, for his interes, mycht in all tyme heireftir perſew the ſaid William and his complices now on pannell, for the ſlauchter of the ſaid vmq^le Johnne his fader; and that na declaratioune of the Aſſyiſe, nor purgatioune of the ſaid Williame thairof, ſuld be reput nor haldin ſufficient, nor teſtimonye of the Juſtice declaring the ſamin; and that ſpeciallie of the late practik, laitlie auctoriſit in the contrair. Vpoune the quhilk premiſſes, the ſaid William requyrit actis, &c.

[1] Without. [2] Son-in-law.

Assisa.

John Cwninghame of Camlarge,
Mr Johnne Porterfield of that ilk,
James Stewart, ſone to the Lord Onchiltre,
The Lard of Lamirtoune,
Johnne Crawfurd of Craiglynſche,
Johnne Schaw of Grenok,
George Maxwell of Newwerk,
Patrik Houſtoun of that ilk,
Johnne Maxwell younger of Nether Pollok,
George Hammiltoune, tutour of Bordland,
David Hammiltoune of Gairewis,
Williame Hammiltoune of Rottinyairdis,
Patrik Hammiltoune of Gartlanoch,
Johnne Hammiltoune in Po-the-hill,
Adam Schaw of Welwod,
Patrik Gemmill of Tempilhouſe,
Johnne Campbell in Sanding.

Verdict. This haill Aſſyiſe, in ane voce, without diſcrepance, acquit the foirſaidis perſewaris on pannell.—Quhilk declaratioune being maid and pronounceit be the mouth of Mr Johnne Porterfield, proteſtatiounis wes maid for thair teſtimonialis.

Respite for abiding from Raid of Linlithgow.

Nov. 4.—Johnne Lyell in Foulfurdleis.

Ad reſpectuationem, pro ipſius proditoria domi remanentia ab exercitu ſ. d. n. Regis apud Lynlythqw, ſecundo Auguſti vltimo elapſo convenire ordinat.; contra tenorem Proclamationis deſuper direct., de data xvj Septembris 1570.

Persewar, Robert Neiſbett in Bracanriggis.

Forgery of the Regent's Signature.

Nov. 6.—Thomas Barrye, meſſinger, (Unicorn Purſuivant.)

Convict be Aſſyiſe of the falſeing,[1] fenzeing, forgeing, and counterfuting of the manuale ſubſcriptioune and hande wryte of our ſouerane lordis derreſt gudſchir[2] and lauchfull tutour, Mathow Erle of Levenox Lord Dernelie, &c. Regent to his hienes, and of his realme and liegis, at ſindry times ſen the acceptatioune of the office of Regentrye: And ſpecialle, of falſeing and treaſonabill counterfuting of his grace ſubſcriptioune, in the moneth of September laſtbipaſt, maid and done be him ſelfe, in ſubſcryving of ane Signatour,[3] concerning the confirmatioun and ratificatioune of his office of Unicorne Purſevandſchip,[4] allegeit maid and grantit to him of befoir, be our ſouerane lordis derreſt moder the Quene: And alſo, in treaſounabill counterfuting of his grace ſubſcriptoune to ane vther lettre, directit be his grace, in our ſouerane lordis name, chargeing Sir Walter Ker of Branxhelme knycht, Sir Thomas Ker of Pharnyeherſt knycht, and vtheris contenit thairintill, to mak payment of thair mailes and deweteis, allegeit awand be thaim to his hienes: As at mair lenth is mentionat and contenit thairintill: This done

[1] Falsifying. [2] Grandfather. [3] A writ bearing the King's sign-manual, and being a warrant for a charter passing the seals, granting or confirming lands or office, &c. [4] Unicorn purſuivant.

in October laſtbipaſt: As his depoſitionis and confeſſioune, with the ſaid Signatour and lettres counterfutit and treaſonablie falſit be (him) beris.

SENTENCE. For the quhilk caus, dome wes gevin and pronunceit, be the mouth of James Yule dempſtar, that the ſaid Thomas rycht hand ſalbe ſtrickin and cutit of, and himſelf to be baneiſt of the realme during all the dayis of his lyfe; and neuir to returne agane within the ſamin, without ſpeciale licence of our ſoueran lord, had and obtenit thairto.

Slaughter.

Nov. 9.—Schir WILLIAM CRANSTOUNE of Doddo, Commiſſar of Lauder.

Delatit of the ſlauchter of vmq^le James Brounlie. 'Plegio Joanne Cranſtoune de eodem, tertio Itineris de Berwik, vel ſuper (premonitione) xv dierum.'

Abiding from the Raid of Linlithgow.

Nov. 27.—ALEXANDER KENNEDYE of Drumquharne, and Patrik Kennedye of Culuane.

Delatit for remaining fra the raid ordanit to convene at Lynlythqw, the ſecond day of Auguſt laſtbipaſt.

Perſewit be Thomas Kennedye of Barganye, as donatour (of their eſcheit) and the advocattis.—Continued to the Juſtice-aire of 'Air, tertio Itineris vel premonitione xv dierum. Plegio, Georgio Campbell de Skeldoune.'

Oppression—Convocation of Lieges, &c.

Nov. 30.—Mr WILLIAM BALFOUR in Leyth, Johnne Younge taillour thair, and ſeventene vthers, 'ſkynnaris,' 'litſtaris,' and 'cordineris.'

Delatit of ſindry crymes of Oppreſſioune committit be thaim, with convocatioune, &c. vpoune Florence Balfour.—Continued to the Juſtice-aire of Edinburgh, tertio Itineris vel premonitione xv dierum. Plegiis, M. Willelmo Naper de Wrychtishouſis et Joannes Young. This ſouerte reſſauit at command of my Lord Regentis grace.

NOTA.—Johnne Carwod, and Thomas Thomſoune ſuddartis,[1] wer diſchargeit, be ane precept of my Lord Regentis grace, direct to the Juſtice, becaus thai wer in the Kingis ſervice.[2]

Treason, &c.—Raid of Linlithgow.

Dec. 2.—Mr JAMES PAWTOUNE, miniſter.

Delatit of the treaſonabill aſſiſtance maid and gevin be him to George Erle of Huntlie, Archebald Erle of Argyle, and diuerſe vtheris conſpiratouris againis our

[1] Soldiers. [2] And therefore liable to be tried by a Court-martial.

ſoueran lord, in erecting and ſetting vp ane vther auctoritie nor[1] his hieneſſis; and furneſſing and ſending of Archibald Robeſoune, in his name and vpoun his expenſis to the toune of Lynlythqw, for the awancement of the foirſaidis conſpiratouris treaſonabill interpryſis: And ſiclyke, for remaning fra the Raid ordanit to convene at Lynlythqw, the ſecund day of Auguſt laſtbipaſt.

Comperit Mr Robert Creychtoune advocat, as perſewar, and produceit my Lord Regentis Precept and command direct to him, for perſute of the ſaid Mr James; quhilk he deſyrit to be red in jugment.

The Juſtice, in reſpect of the ſaid Mr James office of miniſtrie, and of my Lord Regentis grace command, ordanit that pairt of the lybell, qualefeit for his remaning fra the Raid to be deleit; and that na proces be vſit aganis him for the famin.

Comperit Mr Williame Henderſoune, ſeruand to the Lard of Lochlevyn, and Proteſtit in name of his ſaid maiſter, quha is baillie conſtitute of that pairt of the Regalitie of Sanct Androis, within the Baronye of M'K . . . . .[2] (M'Carſchyre?) quhair the ſaid Mr James duellis and makis his reſidence, that the continewatioune heirof prejuge nocht his priuelege nor juriſdictioune thairof; in reſpect that he preſentlie is willing and reddye to replege the ſaid Maiſter James, conforme to his Commiſſioune, gif the Juſtice will conſent thairto: And heir-vpoune, aſkit actis and inſtrumentis.

'Continuat. tertio Itineris de Perth, vel premonitione xv dierum. Plegio, Joanne Reid de Aikinheid, pro ſuo introitu, ad ſubeundum legem pro dicto crimine, in proditoria ſua aſſiſtentia vt predicitur, tantum.'

Slaughter—Langside—Raid of Linlithgow.

Dec. 4.—Mathow Hammiltoune of Philipſtoune.

Delatit of the ſlaughter committit at the Langſyde, and for remaining fra the Raid ordanit to convene at Lynlythqw, the ſecund day of Auguſt laſtbipaſt.

Continued to the Juſtice-air of 'Lynlythqw, tertio Itineris vel premonitione xv dierum. Plegio, Joanne Dowglas de Walterſtoune.' Johnne Fowlis, burgeſs of Lynlythqw, his cautioner, is fined 100 marks for non-appearance of the pannel, who is ordained to be put to the horn, and his moveables confiſcated as fugitive from the laws.

Abiding from Raids of Langside, Biggar, &c.

Jan. 4, 1570-1.—James Spens in Glendukye, Williame Ruſſale in Glaſlie, and Johnne Dick elder in Eiſter Cartmoir.

Delatit for remaning fra the Raids of Langſyde, Beger, Striueling, Lynlythqw,

[1] Than. [2] Obliterated.

Brechin, and vtheris, in the auld and new Regentis tymes; contenit in the lettres maid thairupoune.

Thir thre, at command and desyre of James Lyndsay, donatour (to their escheit,) wes dischargeit and the Court desert.

The Justice ordained them to find caution to appear and underly the law, on xv Feb. next; John Wardlaw in Leyth being cautioner.

Abiding from Raid of Linlithgow.

Jan. 30.—MATHO HAMMILTOUNE of Philipstoune, Mr Johnne Cokburne, citiener[1] of Brechin.

Delatit for remaning fra the Raid, ordanit to convene at Lynlythqw, the secund day of August lastbipast.

Dischargeit be writingis of my lord Regentis grace, quhilkis wer producit in jugement and admittit.

Treason—Abiding from Raid of Linlithgow.

Jan. 31.—JOHNNE HAMMILTOUNE of Perdowye (Bardowie,) and Robert Tripnay in Branzeitt.

Walter Striueling of Ballagane, is fined in I^c. lib. for non-appearance of the pannels, for whom he had become surety, that they should enter themselves before the Justiciar this day, and underly the law, for the traiterous detention of the tower or fortalice of Perdowye against the King and his Regent: And also, for their remaining at home from the Raid at Lynlythqw, the second day of August last, &c.

The Justice ordained the pannels to be denounced rebels and put to the horn, and all their moveable goods to be confiscated.

Incest and Adultery.

Feb. 2.—JAMES BONAR, marinare, and Agnes Boner, his sister.

CONUICT be Assyise of the filthie, vyld and abhominabill Incest and Adulterie, committit be ather of thame with vtheris,[2] in abusing of thair bodeis togidder; in respect of thair awin confessioune maid thairof. 'CONUICT and BRINT.'

Treason—Abiding from the Raid of Langside.

Feb. 12.—DAUID RAMSAY of Jordanstoune.

Delaitit for remaning fra the Raid of Langsyde; treasonabill assistance maid

[1] Citizen, or indweller, probably implying that he was not a 'burgess,' or freeman, which is the usual description of a merchant or tradesman, who is 'free of the burgh.' [2] With each other.

and gevin to the Erle of Huntlie, and diuerſe vtheris crymes, at lenth contenit in the Lettres direct thairupoune:—Quhairof he wes ACQUIT be Aſſyiſe.

Murder of the Regent Murray.

Feb. 28.—CRISTEANE SCHAW, the relict of vmq^le Dauid Hammiltoune of Boithuilehauch.

Delaitit of arte and pairt of the murthour of vmq^le James Erle Murray, Lord Abirnethye, Regent, &c., be hir ſpeciale cauſing, hunding, ſending, diuiſing, reſetting, command, aſſiſtance and ratihabitioune, &c.—Continued to the Juſticeair of 'Lanerk, tertio Itineris vel premonitione xv dierum. Plegio, Roberto Roiſe de Thornetoune pro introitu ejuſdem.'

Slaughter.

March 5.—MR ROBERT WYNRAME, Collector of Fyff.

Delatit of arte and parte of the ſlauchter of vmq^le Henrye Cairnis, cietiner of Sanct Androis; (committed in the month of December laſt.)

Comperit Margret Spens, the relict of the ſaid vmq Henrye, George Spens hir bruder, Thomas Inglis in Auldliſtoune, and Mr Robert Creychtoune, Aduocatt, concurrand togidder, for perſute of the ſaid vmq^le Mr Robert Wynram, and chuſit the prelocutouris following, viz.

PRELOCUTOURIS for the perſewaris.	PRELOCUTOURIS for the pannell.
The Lard of Balwerye, The Lard of Pittandro,	Mr Johune Scharpe, Mr Richard Strang,
The Lard of Pitmillie, James Maling,	The Lard of Ormeſtoune, The Lard of Haltoune,
Patrik Schewes.	The Lard of Trabroune, J^as. Someruille of Hombye.

Comperit Patrik Lerthmonth of Dairſye, knycht, Proueſt of Sanct Androus, and produceit ane Infeftment, Charter and Commiſſioune, maid to him be Johne Archebiſchope of Sanct Androus, togidder with our foueran lordis Charter of Confirmatioune; quhairby he, as Stewart, Baillie and Juſtice generale, within the boundis of the ſaid Regalitie, vpoune the north ſyde of the Watter of Forth, ſpeciallie conſtitute, deſyrit the ſaid Mr Robert to be replegeit from the ſaid Juſtice Court, as duelland within the ſamin boundis; and offerit cautioune of Collerayth,[1] as accordis.

Mr Robert Creychtoune, Aduocat to our foueran lord, Proteſtit, in caiſe the Juſtice wald, conforme to the ſaidis Charteris and Infeftmentis produceit, ſuffir and permit the ſaid Mr Robert to be Replegeit, that the Replegiatioune thairof ſuld nawyiſe preiuge the Kingis priuelege, in quhais handis the haill benefice of Archebiſchoperik and rycht thairof quhatſumeuir preſentlie is becuming; and

[1] Caution or surety, that justice shall be lawfully administered.

aſkit inſtrumentis, that he allutirlie[1] diſaſſentit fra the Replegiatioune of the foirſaid caus.

The Juſtice, efter inſpectioune had of the ſaid Charteris and Infeftmentis produceit and being ryiplie adwyſit, thinkand the deſyre of the ſaid Patrik, as baillie foirſaid, to be reaſonabill; ordanis cautioune to be fundin for adminiſtratioune of Juſtice within this tolbuith and the mater heirof to be replegeit; diſpenſand with the place, *vt infra*.—Peter Bruce of Erliſhall, becomes cautioner for due adminiſtration of juſtice.

Hamesucken—Abduction, &c.

March 23.—WILLIAME OLIPHANT in Kellye-mylnis, and Johnne Oliphant in Over Kellye.

Petrus Oliphant de Pettoccer plegius deuenit ad intrandum Will. Oliphant et Joh. Oliphant coram Juſticiario ſuiſve deputatis, tertio die proximi Itineris Juſticiarie de Fyffe, vel alubi, vbi et quando placuerit ſue ſerenitati, ſuper premonitione xv dierum; ad ſubeundum legem, pro arte et parte conuocationis legiorum ſ. d. n. regis, ad numerum ſexaginta perſonarum, more bellico armat., et per modum lie *Hameſuckyn* venien. ad domum habitationis Patricij Smyth infra civitatem Sancti Andree ſituat. et ibidem oſtia predicte domus confringendo, Jonetamque Smyth ejus filiam, pro tempore in lecto dormienti, extra eandem domum manu forti et violenter capiendo, rapiendo et abducendo, ipſamque in captiuitate per longum ſpacium poſtea detinendo, auctoritatemque regiam inde vſurpando; xxv die menſis Januarij vltimo elapſi commiſſ.: Secundum tenorem Literarum deſuper direct. et ſub penis in Actis Parliamenti contentis.

Slaughter.

April 6, 1571.—LOWEIS LUMMISDENE in Dyſert and Johnne Lummiſdene his ſone.

Delaitit of the ſlauchter of vmq^le^ Dauid Erle, taillieour in Dyſert; committit at the Kirk of Dyſert, vpoune the nynt day of Julij laſtbipaſt

PERSEWAR.
Iſſobell Spindye, relict of the ſaid vmq^le^ Dauid.

HIR PRELOCUTOURIS.
Johnne Stevinſone, and Mr Robert Crechtoune, Aduocat, inſiſtand in the perſute thairof.

PRELOCUTOURIS for the pannell.
Mr Alexander Sym, Mr Richard Strang, The Lard of Trabroune, The Lard of Blanerne, William Murray.

VERDICT. The Aſſyſe acquit the pannell.

It is worthy of remark, that Andro Foreſter, miniſter, one of the Aſſiſe, 'proteſtis, (that) his comperance hurt nocht his priuelege':[2] And 'Mr Alexander

[1] Entirely, altogether.

[2] *i. e.* He pleads 'his cloth,' being a clergyman.

Sym aſkit inſtrumentis, that the ſaid Sir George (Strathauchin, another of the Aſſiſe) declarit and allegit, that he ſould nocht paſs vpoune Aſſyiſe, in reſpect of the woirdis, '*quod non licet nobis interficere quemquam*;' and thairfoir, that he ſuld voit conforme to his ſaid declaratioune.'[1]

[*Curia Justiciarie tenta in pretorio Ville de Leyth.*[2]]

Oppression—Convocation of the Lieges—Hamesucken.

Nov. 12.—James Roise, bruder to Johne Roiſe of Craigy, Alexander Moncreif in the Kirktoun of Malare, Williame Moreſoun, Williame Roiſe bruder to the ſaid Lard of Cragy, Johnne Roiſe feruand to vmq^le James Roiſe in Maitlandis, Lancelot Moncreif feruand to the ſaid Lard of Cragy, ... Rettray appearand of Kinvaid, Johnne Berclay of Strowye, George Stewart of Ardinculye, Olipher Rettray, Hew Moncrief in Hiltoun, Robert Broune in Cragy, Mark M'Kye in Cragye, Walter Murray thair, Dauid Ruthwene in Kirktoune, Walter Moncreif and Andro Moncreif ſonis to Hew Moncreif, Johnne Moncreif ſone to Alexander Moncreif in Kirktoun of Maler, Alexander Marſchell, Johnne Murray, Johnne Roiſe of Cragye, Williame Lord Ruthwene, and Henrye Lord Methwene.

George Gib of Lumphay, and Patrik Anderſoun in Newtyild, as plegeis and ſouerteis conjunctlie and ſeueralie actit in the buikis of our ſouerane lordis, For agane bringing of his hienes lettres, purcheſt be Laurence Lord Oliphant, Petir Oliphant of Twringis, and diuerſe vtheris thair colligis, ſpecifeit complenaris thairin; togidder with our ſouerane lordis advocattis for his hienes interes, to tak ſouertie of James Roiſe, &c. (above-mentioned) that thay ſall compeir and vnderly our ſouerane lordis lawis befoir the Juſtice or his deputtis, day and place foirſaidis: For connocatioune and gaddering of our ſouerannis liegis, to the nowmer of twa hundreth perſonis, bodin in feir of weir,[3] vpoune the xxij day of September laſtbipaſt, vpoun the landis pertening to Lawrence Lord Oliphant, callit the landis of Duplene and Abirdalgy, lyand within the ſherefdome of Perth; and thair, perforce, takand Johnne Mwle feruand to William Oliphant, Thomas Millar at the kirk of Duplene and dyuerſe vtheris complenaris in the ſaidis lettres,

[1] It being commanded, 'Thou shalt not kill,' Sir George protests, that if he be compelled to 'pass upon Assise,' he would Acquit the pannell, according to this his forced interpretation of the sixth commandment. [2] The Court of Justiciary is held within the Tolbooth of Leith, from this date, to the 8th day of August, 1572. The entry immediately following in the record, is dated at Stirling, on the 15th day of August; and that is succeeded by an entry, dated 'in pretorio de Edr. xxj Octobris;' after which period, the Court is regularly held in the Tolbooth of Edinburgh. The Record appears to be very defective at this period, and is probably only the Minute-Book of the procedure which then took place. [3] Arrayed in warlike manner.

furth of thair awin howſſis and vtheris partis, quhair thay wer doand thair lefull biſſines for the tyme; ledand thame as captiues and preſonaris to the toun of Perth, quhair thai held and detenit thame bundin in irnis, within ſtrait preſoun and captiuitie, be the ſpace of tuentie dayis with the mair;[1] vſurpand thairthrow our ſouerane lordis auctoritie vpoun thame, thay being his fre lieges: And for aſſegeing of the place of Duplene, the ſamin day; purpoſſie to have ſlane Laurence Lord Oliphant, and vtheris complenaris contenit in the ſaidis lettres: vpoune auld feid[2] and ffoirthocht ffellonye: And for ſiclyke conuocatioune, cumand to the place and fortalice of Malare, lyand within the ſherefdome of . . . . . entering perforce thairin, ſtryking and dinging[3] of Jane Hepburne, ſpous to the ſaid Petir,[4] and violentlie putting hir out of the ſamin, in the moneth of July laſtbipaſt: And for diuerſe vtheris crymes contenit in the ſaidis lettres: Eſter the forme and tenour thairof, and vndir the panis ſpecifeit in the ſamin. Being oftymes callit, in jugement, to have produceit the ſame lettres dewlie execute and indorſat, that juſtice mycht have been miniſtrat thairon, conforme to the tennour of the ſaid Act, and under the panis thairin contenit: And the ſaid lettres nocht being produceit as ſaid is, lauchfull tyme of day biddin; the ſaid Juſtice-depute decernit and adjudgeit the ſaidis George Gib and Patrik Anderſoun as plegeis and ſouerteis foirſaidis, coniunctlie and ſeueralie, in the panis and vnlawis contenit in the ſaidis lettres; quhilkis panis the foirſaidis perſonis delatit be vertew thairof of the crymes above expremit,[5] or thair ſouerteis mycht have incurrit for thair nocht comperance the ſaidis day and place, to have vnderlyne the law for the ſamin, in caiſe the ſaidis lettres had been produceit in the ſaid Court of Juſticiarie, dewlie execute and indorſat, as ſaid is; that is to ſay, for non-productioune of the ſaidis lettres, dewlie execute and indorſat vpoun the ſaidis James Roiſe, bruder to the Lard of Cragye, being ane gentleman landit, in the ſowme of ane hundreth pundis; vpoun the ſaid Alexander Moncreif in the Kirktoun of Maler, being ane gentilman vnlandit, in the ſowme and pane of ane hundreth markis; for the ſaid William Moreſoune, being ane ȝemane,[6] in the vnlaw and pane of xl lib. &c. (each being fined according to his rank in the above proportions.) The Lord Ruthvene and vtheris, callit, be vertew of the lettres raiſit at the Lord Oliphantis inſtance, aſkit inſtrumentis, (that) thay wer reddye to vnderly the law for the crymes thairin contenit; and offerit thaim ſelfis to the knawlege of ane aſſyiſe for the ſamin: And proteſtit, in reſpect of the ſaid Lord Oliphantis declaratioune, maid in jugement, that he wald nawyiſe perſew thaim thairfoir; that thairfoir thai may have coiſts, ſkaith and expenſis modefeit, &c.

[1] And more, and longer. [2] Ancient feud, enmity. [3] Beating. [4] Peter Oliphant of Turingis. [5] Expressed, *exprimere*. [6] Yeoman.

Slaughter.

Nov. 12.—Peter Oliphant of Twringis, Johnne Oliphant, notary public, Lawrence Oliphant, fon of Thomas O. portioner of Williamftoune, James Oliphant fervant of the faid Peter O., Johnne Menteyth and fix others, fervants to Lord Oliphant, &c.

Laurence Lord Oliphant, cautioner for the entry of thefe pannels to appear before the Juftice or his deputes, this day, to vnderly the law for the cruel flauchter of vmq^le James Roife, lawful fon of vmq^le Thomas Roife of Maitlandis, committed upon the 20 day of September laft; is fined in the fums of I^c. lib., vj^c. markis, and viij^xx. lib. for thair non-appearance: And the Juftice adjudged the pannels to be denounced rebels, and all their moveable goods to be confifcated to the Kingis ufe, as fugitives from the law.

Abiding from the Raid of Leith.

Nov. 22.—Williame Lord Borthuick, Williame Borthuik in Halkernocht, Johnne Borthuik of Rilifchaw, Adame Wauchope of Caikmuir, Johnne Yule of Garmiltoune.

Continued to the Juftice-aire of Edinburgh, 'tertio Itineris, vel premonitione xv dierum; ad fubeundum legem, pro eorum domi remanentia, ab exercitu f. d. n. regis, apud Leith, primo die menfis Octobris vltimo elaps. convenire ordinat.'

Nota.—Thir perfones (following) being fummond and indorfat vpoune, wer drawin and deleit furth of the executioune of the lettres be Johnne Lawfoune, quha confeft him to have reffavit command of the thefaurer to that effect: George Ramfay of Dalhowfie, ... Creychtoun of Beneftoune, Henrye Ogill of Hartramwod, Johnne Hay of Tallo, James Hammiltonne of Sammelftoun, Francis Dowglas of Langnudrye, Oliver Ramfay of Poltoune.—Nota. Alfwa, na executioune wes maid vpoune Quhittingem, James Dundas of Newliftoune, my Lord of Torphechin, James Cochrane of Balbachlaw, Robert Bruce of Bynning, Archibald Tennent of Williamftoune, and James Woddirfpoune of Brighous; nochtwithftanding thair being within the bodye of the lettres foirfaidis, as principallis.

Abiding from the Raid of Leith.

Nov. 23.—James Scrymgeour of Dudhop, Johnne Strathauchin of Claypottis, David Fentoun of Ogill, George Skymer of Balzordye, James Scrymgeour of Glafwell, Sir John Carnegye of Kynnard, Johnne Carnegye of Seytoune.

The above perfons, (and others of leffer note) found caution for their appearance at the Juftice-aire of Forfar, 'tertio Itineris vel premonitione xv dierum;' to underly the law for their abiding at home from the Raid ordanit to have convenit at Leyth, on the firft day of October laft.—The faid James Scrymgeour of

Glaſwell proteſtit, that this cawtioune preiuge him nocht anent his laughfull defenſſis; conſidering, he ſend his ſone and air,[1] ſufficientlie furneiſt, being of habilitie, conforme to the proclamatioune.

Abiding from the Raid of Leith.

Nov. 24.—Petir Balfour of Bandone, George Ramſay of Clettie, Dauid Balfour of the Kirktoune, Dauid Seytoun of Ringavy, Thomas Walker in Drone, James Rankyne in Mariſland, and Johnne Danzell in Foſtertoune.

Delatit for remaning fra the Raid foirſaid. The firſt three came in the Kings will and were 'diſchargeit thaireftir;' Seytoune of Ringavye 'diſchargeit pro loco et tempore;' Walker 'diſchargeit;' and Rankyne and Danzell 'continued to the Juſtice-air of Fyffe tertio Itineris, vel premonitione xv dierum. Plegio, Roberto Scot de Balbartoune.'

Slaughter.

Nov. 29.—David Lindesay of Berneyardis, Jonet Ogilvie his ſpouſe, (*non comparen.*) and Thomas Jak in Tannadyce.

Delatit of the ſlauchter of vmq^le^ Johnne Fentoune.—Continued to 'xv day of Januare nixtocum.[2] Plegijs, Patricio Ogilvye de Inchemartyne et Andrea O. de Mygwye.'

Abiding from the Raid of Leith.

Nov. 30.—James Drummond of Ochterardour ('diſchargeit,') Malcum Drummond of Bordland ('diſchargeit,') Andro Toſcheoch of Monyvaid ('licence,') James Cheſholme of Cromlikis ('diſchargeit be the theſaurer,') Williame Bonar of Keltye, ('Perth, tertio Itineris, &c.') James Edmonſtoune of Ballintoun, ('licence,') Patrick Gray of Ballegernocht, ('licence,') Johnne Kynnard of Incheſture, ('diſchargeit.')

Delatit for remaning fra the Raid foirſaid.

Abiding from the Raid of Leith.

Dec. 4.—Walter Wod of Balbegenocht, Alexander Ugſtoune of Foddercarne, George Arbuthnot in Bernehill,[3] Henrye Grahame of

[1] Heir. [2] This case was afterwards continued to the Justice-air of 'Forfare, tertio Itineris, vel premonitione xv dierum;' when 'the pannell proteſtit, this continewatioune preiuge nocht thair Replegiatioune, and defenſſis quhatſumeuir, to be allegeit in the contrair.' [3] 'Kinkardin, tertio Itineris, vel premonitione xv dierum.'

Morphye, Robert Grahame his fader, Johnne Mideltoune of Kilhill, Johnne Strathauchin of Monbodo, Archebald Wod of Wodſtoune, Robert Falconer of Ballandro, David Stratoun of Cragy, Charlis Dempſtar of Balraye.[1]

Delatit for remaning fra the Raid foirſaid.

Treason—Assisting Rebels in withholding the Town of Edinburgh.

Dec. 28.—Alexander Guthre burges of Edinburgh.

Delatit of the affiſtance maid and gevin be him to the rebellis, withhaldaris of the toune, in fortefeing, ſtrenthing and detening thairof aganis our ſoveran lord and his auctoritie.—Plegijs, Robert Rynd et Johanne Ferguſſoune burgen. de Ed^r. coniunctim et diuiſim. To the laſt day of Januar nixtocum; and thaireftir continewit to the penult day of Auguſt.

Abiding from the Raid of Leith.

Feb. 15, 1571-2.—Henrye Balmanno.

Delatit for remaning fra the Raid ordanit to convene at Leyth the firſt of Julij laſtbipaſt, being ane of the Quarter Raidis.

Comperit in jugement Patrik Lord Lindſay of the Byris, and in preſence of the forſaid Juſtice, and haill perſonis than choſin to paſs vpoune the Aſſyiſe of the ſaid Henrye, Declarit and confeſt, that he being lieutenant to our ſoueran lord, conſtitute for the tyme, permittit and gave ſpeciale and fre licence to the ſaid Henrye to remane and byde at hame fra the ſaid oiſt[2] and raid, ordanit to convene the tyme foirſaid; nochtwithſtanding the lettres of Proclamatioune maid thairupoun, in maner aboue writtin: Vpoune the quhilk declaratioune and confeſſioune, maid be the ſaid Lord in jugement, as ſaid is, the foirſaid Henrye and George Logan (in Leyth) ane of the nowmer of Aſſyſe, aſkit actis and inſtrumentis.

Verdict. The Aſſiſe, all in ane voce, in reſpect of the declaratioune foirſaid, Acquittis.

[Celebration of the Mass, &c.]

Mar. 13.—Mr Archibald Crawfurd, parſoun of Egliſhame, Mr Robert Cuninghame.

Crawford's caſe is continued to the Juſtice-air of 'Air, tertio Itineris, vel premonitione xv dierum; ad ſubeundum legem (pro) arte et parte criminis ſequen.[3] Plegio, Wilelmo Cwninghame de Caprintoune.'

[1] 'All diſchargeit in reſpect of Licences ſchawin and produceit.' [2] Host, army. [3] A blank is left for insertion of an abstract of the 'Dittay,' or Indictment. The crime is likely to have been celebration of Mass, as in the following case.

The other pannel is 'Abſoluit and diſchargeit, in reſpect of the executione of the lettres; quhairby he is nocht fundin lauchfulie ſummond.'

Idolatry—Celebration of the Mass, &c.

Mar. 13.—Jaspar Montgomerie and Johnne Maſoune, dwelling at Eglintoune, Schir Johnne Muir, dwelling at Kilmarnok.

Hugh Earl of Caſſillis, and Charles Mowet of Buſbye, are fined, the former in xl lib. and the latter in lxxx lib., as Cautioners for the above pannels; for their non-appearance 'ad ſubeundum legem, pro crimine abhominabilis et deteſtabilis Ydolatrie per ipſos et eorum aliquem commiſſ., in miniſtratione Sacramentorum, contra verum ſeu rectum Verbi Dei inſtitutionem; Miſſaſque infra fortilicium de Eglintoune in menſe Nouembris, diuerſis temporibus agendo; et Matrimonium inter diuerſas perſonas incaſtitati et vili inceſtu datas contrahendo et communiter ſolemnizando; populumque ignarum eorum more Papiſticali abutendo.' —The Juſtice alſo ordained the pannels to be denounced rebels, and their moveable goods to be confiſcated to the King's uſe, as fugitives from the law.

Abiding from the Raid of Leith.

Mar. 14.—Sir Williame Hammiltoune of Sanquhar, knycht.

Hew Wallace of Carnale, wes vnlawit in the pane of ane hundreth pundis, for non-reporting and agane-bringing of the lettres dewlie execut and indorſat, purcheſt be the Kingis aduocattis; to tak ſouertie of Sir Williame Hammiltoune, to vnderly the law, for remaning fra the Raid, ordanit to convene at Leith the firſt of October laſtbipaſt, for aſſegeing of the burch of Ed^{r}.; as he that becam ſouerte to that effect.

Slaughter.

Apr. 24, 1572.—George Craw in Eiſt Reſtoune.

Alexander Howe of Manderſtoune 'wes unlawit in the panis of ane hundreth markis, conforme to the actis of Parliament,' for failing to produce our ſoueran lordis lettres dewlie execute and indorſat, purcheſt be the Kingis aduocattis, to tak ſouerte of George Craw to vnderly the law for ſlauchter of vmq^{le} George Dundas, the Lord Methwene, and vtheris contenit in the ſaidis lettres.

Furnishing Victual to Rebels in Edinburgh.

Apr. 24.—Robert Thomsoun in Dalmahoy, Thomas Haiſtie in Gogar, and twenty-three others, chiefly farmers and millers in Gogar, Currie, Langhirdmeſtoune, Over Crawmond, &c.

All thir perſones foirſaidis become in will for arte of the furneſing of wittuale

to the Rebellis detenaris of the burch of Ed^r. ſen the dait of the proclamatioune maid in the contrair; and thairfoir fand the ſouerties nemit, as plegeis for ſatiſfactioune of the King and his hienes Regent for the ſamin will.—Eight others, 'being put to Aſſyiſe for the ſaid cryme, wer Acquit thairof.'

Treason.

Apr. 29.—Dauid Hammiltoune, ſeruand to Boithuilehauch.

Indytit of ſindry crymes of Treaſoune, ſpeciallie mentionat in the Dittay maid thairvpoune, quhilk James Millar hes in keping, &c.; Convict be Aſſyiſe et 'Suspen.'—A blank is left for the ſpecial verdict, or a detail of the Indictment; but, unfortunately, there is only oppoſite to the blank the following memorandum: 'The Cannongait men. Ye Dittay to be cravit from James Millar.'

Abiding from the Raid of Leith.

May 9.—Alexander Campbell of Knoknane.

Delatit for remaning fra the Raid and army ordanit to convene at Leyth the firſt of October laſtbipaſt, ffor aſſegeing of the burch of Ed^r.—Plegio, Carolo Campbell de Skeldoune, to the xiiij day of Maij inſtant: And at the ſamin day, be command of the Regentis Grace, the Court herof, for his pairt, wes deſert.

Celebration of the Mass.

May 20.—Schir Johnne Lerthmonth.

Thomas Lerthmonth, ſumtyme ſeruand to the Abbot of Jedburghe, wes vnlawit in the panis of fourtie pundis, for non-reporting and agane-bringing of lettres dewlie execute and indorſat, purcheſt be the Aduocattis, to tak ſouerte of S^r. Johnne L. his bruther, to have vnderlyne the law the ſaidis day and place. ffor ſying and miniſtratioune of the Meſs, being excommunicat, &c.

Stouthreif—Resett and Theft.

Maij 20.—Johnne Thomesoun in Hagbray, Michaell Scot in Vogarie, Johnne Auchinlek thair, Johnne Briggis thair, Williame Briggis, his ſone, thair, and Petir Hering in Cranſtoune.

Delatit of aſſiſtance, reſſett, and intercommuning with Hob Ewart of the Schawis and Ade his bruther, commoune thevis; and ſpecialie, reſſettand thaim within thair awin houſſis,[1] gevand thaim meit, drink, and vtheris neceſſaris, thay being newlie cumin furth of Ed^r. for the tyme. Item, for arte and pairt of the ſteling, be way of ſtouth-reif, reſſetting, conceling, detening, and withhalding

[1] 'This point delayit.'

fra James Rutherfurd and Adame Ainſlie, burgeſſis in Ed^r. off four pakkatis of ſcheip-ſkynnis, reft and ſtollin be the commoune thevis foirſaidis, quhilkis the ſaidis perſones reſſett and ſecretlie concelit and kepit the ſamin within thair houſſis, be the ſpace of fyve dayis and nychtis; committit xxvj°. Aprilis vlt°. elaps.: And ſtall furth of ane of the ſaidis pakkatis, the ſowme of xxxv lib.—Continued as to Scott, to the Juſtice-air of 'Ed^r. tertio Itineris vel premonitione xv dierum, plegio Abbotiſhall ſeniore.'

VERDICT. The Aſſyiſe, in ane voce, Acquit the fyve perſones foirſaidis of the laſt point of Dittay, anent the ſkynnis and ſiluer, thairin contenit.

Treason—Conspiracy against the Regent—Slaughter, &c.

Jun. 13.—JAMES DALZELL burges of Ed^r., George Robeſoun tailliour, James Chalmer thair, Thomas Brad,[1] Michaell Rynd thair, Andro Young in Ed^r., Thomas Michell tailliour thair, Johnne Nwtale thair, Johnne Haie thair, Thomas Crawfurd, Mr Patrik Biſſett thair, Thomas Dikſoun furrour thair, Alex^r. Sonſie thair, Alex^r. Bow thair, George Rynd thair, Williame Thomſoun thair, Robert Allane thair, Murdo Pryour thair, Johnne Sympſoun thair, William Cokke alias Saltcraig, Robert Smyth thair, Johnne Kirk, Williame alias Schir W^m. M'Ke thair, Johnne Quhytehill, Andro Wardlaw ſeriand, and Williame Oſburne drummar.

All Conuict and Fylit be Aſſyiſe, off arte and pairt of thair treaſonabill cuming in cumpany to the feildis with Capitanis Halkerſtoune, Lauder, and vtheris conſpiratouris and inobedient ſubiectis to our ſoueran lord, to the nowmer of vj^c. (600) perſones, bodin[3] in armes, with diſplayit baners; firſt, to the Burrow-muir of Ed^r., quhair thai invadit Capitan Ramſay and vtheris the Kingis lieges for thair ſlauchteris; and nocht cumand to thair intent,[4] come agane to the bak of Craigingall, quhair thai invadit maiſt awfulie my Lord Regentis grace, repreſentand our ſoueran lordis perſoun, be vertew of his Office of Regentrie, and vtheris his hienes ſubiectis for thair ſlauchteris: AND for arte and part of the ſlauchteris of vmq^le Thomas Trynche fleſcheour, Richard Crawfurd and Johnne Barbour; committit vpoune the tent of Junij inſtant.

Celebration of the Mass.

Jun. 26.—JOHNNE JOHNNESTOUNE alias Schir Johnne Johnneſtoune, Commendator of Salſat.[5]

[1] 'Deliuerit to Capitan Home, at command of the Regent.' It is likely he was delivered over to serve as a soldier. [2] 'Deliuerit to Capitan Home, at command foirsaid.' [3] Arrayed, furnished. [4] Not succeeding in their enterprise. [5] Saulseat, *Sedes-Animarum*, a Monastery in Dumfries-shire.

Delatit for miniſtratioune of the Meſs and of the Sacramentis in the Papiſticall maner.—Continued to the Juſtice-air of 'Drumfreiſe, tertio Itineris, vel premonitione xv dierum. Plegio, Jacobo Johnneſtoune de Kellobankis pro ejus introitu: Et Symon Johnneſtoune obligauit ſeipſum ad releuandum dictum Jacobum.'

Assisting of Rebels in Castle of Edinburgh.

Jul. 8.—Olipher Sinclare, bruther-germane to the Lard of Roiſling. Andro Lindſay, javelour[1] of the Tolbuith of Edinburgh, and Johnne Loche, lycht-horſman, wer vnlawit as ſouerteis, coniunctlie and ſeuerallie, in the panis of ane hundreth markis, ffor non-reporting and agane-bringing of lettres dewlie execut and indorſat, purcheſt be the Kingis Aduocat, to tak ſouertie of Olipher Sinclare, to vndirly the law, for aſſiſtance maid and gevin be him to the rebellis withhaldaris of the burch and Caſtell of Edinburgh and vtheris contenit in the lettres direct thairupoune.

Slaughter of the Captain of Clanranald.

Jul. 9.—Johnne Dow MacKewyne WicKewyn, Doule Oig MacCoule MacCondoquhy Roy, Donald MacCayne MacCondoquhy Roy in Bar, Ewyne MacWilliame MacCayne Dow in Auchinlytht, and above thirty others.

Hugh Lord Fraſer of Lovete, and Lachlan M'Yntoſche of Dunnachtie, are fined in xl li. for each of theſe perſons, for thair non-appearance, to vnderly the law, for art and part of the ſlaughter of vmq^le^ Donald Dow MacCoule WicKewyn, Captain of Clanranald. The principal parties 'adjudgeit to the horne.'

Treason—Intercommuning with Earl of Huntly, &c.

Jul. 17.—George Wilkie, portioner of Sauchtonhall, and Robert Wilkye, his ſone.

Delatit of arte and part of the treaſonabill reſſetting, ſupple, and intercommoning with George ſumtyme Erle of Huntlie, Williame Kirkaldy ſumtyme of Grange, knycht, Sir James Balfour ſumtyme of Pettindrych, knycht, and diuerſe vtheris Conſpiratouris within the Toune of Edinburghe, at thair awine duelling houſſis, and diuerſe vtheris pairtis of the cuntre; aſſiſtand and takand pairt with thaim in thair treaſonabill deidis; committit monethle and continewale, ſen the tyme of thair foirfaltour, quhilk wes in Maij 1571.—Item, for arte and pairt of the treaſounabill furneſſing and wittualling of the ſaid burch and foirfaltit

[1] Jailor, gaoler. Old Fr. *javilleur.*

Traitouris, withhalderis thairof, with malt and vtheris viwaris ;[1] takand money thairfoir and ſelland the ſamin als frelie to the ſaidis rebellis as[2] thai wer the Kingis lieges ; nochtwithſtanding the Kingis grace proclamationis maid in the contrair : Committit in Marche, Aprile, Maij, Junij laſtbipaſt, and Julij inſtant.

VERDICT. For the quhilkis crymes, the ſaidis perſones being put to the knawlege of the Aſſyiſe vndirwrittin,[3] the ſaid George wes Acquit, and his ſone foirſaid Fylit of the ſamin.

Mutilation.

Jul. 18.—CRISTEANE GUDSONNE, ſpous to Andro Burne in Leyth.

Delatit of the mutilatioune of Williame Broune burges of Edinburgh, of his (formeſt) fingar, be byting thairof.—Plegio, Magiſtro Joanne Logane de Scheref-brayis, to the aucht day of Auguſt nixt-to-cum ; (on which day the caſe was continued to the Juſtice-air of Edinburgh, tertio Itineris, vel premonitione xv dierum.)

Slaughter.

Jul. 19.—JAMES TUEDIE burges of Peblis, Johnne Wychtman, Mairtyne Hay, and Johnne Bowr thair, and Thomas Johnneſtoune, ſone to Thomas Johnneſtoune of Craigiburne.

Delatit of arte and pairt of the crewale ſlauchter of vmq^le Johnne Dikkeſoune of Wynkſtoune ; committit within the toun of Peblis the firſt of Julij inſtant.

PRELOCUTOURIS for the Perſewaris.	PRELOCUTOURIS for the Defendaris.	
The Lord Zeſter,	The Lard of Blanerne,	The Lard of Skraling,
Alex^r. Home of Manderſtoune,	Williame Twedye,	Williame Dikkeſoune,
The Lard of Cobingtoune,	Mr Dauid M'Gill,	Patrik Dikkeſoune.
Alex^r. King aduocat,	James Dowglas of Wellis.	

Blanerne aſkit inſtrumentis, that he will nocht aſſiſt the perſute of this caus aganis Martyne Hay, becaus he hes mareit his kynmiſwoman ; bot he will perſew the remanent.

VERDICT. The Aſſyiſe, in ane voce, but ony diſcrepance, Acquittis the haill perſones on pannell of the ſlauchter foirſaid.

Contravening King's Proclamation, &c.

Jul. 22.—ANDRO GREY in Corſtorphin.

Conuict and Fylit be Aſſyſe, for contraventioune and breking of the Kingis Proclamatioune, be hame-bringing of his gudis to the Cragis of Corſtorphin,

[1] *Vivers*, victuals. [2] As if. [3] The only persons of landed property in this Assise are Alexander Wardlaw of Currehill, and Alexander Dalmahoy of that Ilk ; the rest are feuars, &c.

eftir that the famin wes takin away be himfelf of befoir: This wes committit the tent of Julij inftant. 'Conuict. et in varda pofitus.'

Celebration of the Mass, &c.

Jul. 26.—Schir Johnne Ramsay,[1] Frere Thomas Aitken,[2] Schir Archebald Fairbarne,[3] Williame Ormiftoun,[4] Robert Achefoun in Wodenlie,[5] Dene Johnne Schaw,[6] Schir Johnne Blak.[7]

Delatit for contravening of the Actis and Miniftratioune of Sacramentis in the Papifticall maner.—Continued to the Juftice-air of Edinburgh, tertio Itineris, vel premonitione xv dierum.

Celebration of the Mass, &c.

Jul. 26.—Schir Thomas Ker in Auld Roxburch.

Andro Ker of Hetoune, wes vnlawit in the pane xl pundis, for none-entre of Schir Thomas Ker, to vnderly the law for Miniftratioune of the Sacramentis in the Papifticall maner; and for fying of Mefs: And als, the faid Schir Thomas wes adiugeit to be denunceit Rebell, &c.

Treason—Murder of the King (Henry Darnley,) and of the two Regents.

Jul. 28.—Mr James Hammiltoune.	Plegio, Sr James Hammiltoune,	jm li.[8]
Williame Weir of Auchtyefardell,	Plegio, Domino de Corhous,	jm li.
Johnne Bannatyne of Corhous,	Plegio, Domino de Lammingtoune,	iijm li.[9]
Arthour Kneland of Knowhobbilhill,	Plegio, Domino de Kneland,	vc markis.[10]
Gawin Baxter in Boithuile,	Plegio, eodem Kneland,	vc markis.
Adam Muir of Kittemuir,	Plegio, Domino de Carmichaell, feniore,	vm markis.[11]
Johnne Levingftoune of Belftane,	Plegio, Cobington,	jm li.
James M'Quharye of Auchtule,	Plegio, Corhoufe,	vc li.
Robert Allane of Corffurd,	Plegio, eodem Corhoufe,	vc li.
Robert Tueddel of Bankheid,	Plegio, eodem,	vc li.
Williame Lokhart in Corffurd,	Plegio, Quintigerno Lokhart de Ley,	vc li.
Alexander Dalzell of Kype,	Plegio, Sr James Hammiltoune,	vc markis.
Thomas Fowlis of Brownyefyde,	Plegio, Fowlis de Colentoune,	vc li.
Thomas Inglis of Murdeftoune,	Plegio, Will Wallace de Johneftoune,	iijm li.
James Baillie of Carphin,	Plegio, Domino Dalzell,	iijm li.
Robert Dalzell of that Ilk,	Plegio, Cobingtoune,	iijm li.
Williame Kneland of that Ilk,	Plegio, Dalmahoy,	ijm li.
Johnne Stevinfoun of that Ilk,	Plegio, Domino de Ernok,	ijm li.

[1] Plegio, Patricio Cokburne filio Jacobi Cokburne de Langtoune. [2] Plegio, Johanne Dikfoun in Ednem. [3] Plegio, Domino de Touch. [4] Plegio, Willc. Dawfoune in Leyth. [5] Plegio, Richardo Brounfeild in Payinftoune. [6] Plegio, eodem Richardo. [7] Plegio, Thoma Aitken predicto. [8] Finds security to the extent of L.1000. [9] L 3000. [10] 500 markis. [11] 5000 markis.

Mongo Lokhart of Cleghorne,	Plegio, Jarweſwod,	ij^{m} li.
James Weir of Blakwod,	Plegio, Sr James Hammiltoune,	v^{m} markis.
Williame Levingtoun of Jarweſwod,	Plegio, Cleghorne,	iij^{m} li.
Robert Hammiltoune of Newhous,	Plegio, Sr James Hammiltoune,	j^{m} li.
James Lokhart of Ley,	Plegio, Hugone Montgomerye de Heiſlop,	v^{m} li.
James Robertoun of Ernok,	Plegio, Domino de Mynto,	ij^{m} li.
Stevin Lokhart of Wicketſchaw,	Plegio, Domino de Ley,	j^{m} markis.
Gawyne Lokhart of Kirkwod,	Plegio, Sr James Hammiltoune,	v^{c} markis.
Johnne Someruile of Cambuſnethan,	Plegio, Scraling,	v^{m} li.
James Maxwell, younger of Calderwood,	Plegio, Sr James (Hammiltoune,)	ij^{m} li.
Thomas Baillie, tutour of Jarweſtoune,	Plegio, Carphin,	v^{c} markis.
Gawin Hammiltoune of Ardrie,	Plegio, Ernok,	ij^{m} li.
Johnne Hammiltoune of Pedderſtoune; Johnne and Thomas Hammiltoun his ſonis,	Plegio, Johanne Dunbar de Barmuir,	j^{m} li.
Johnne Crawfurd younger, baillie of Monkland,	Plegio, Carnell,	j^{m} li.
Dauid Forſyth of Dykis,	Plegio, eodem Carnell,	j^{m} li.
Williame Baillie of Lamintoune,	Plegio, Ernok,	iiij^{m} li.
Thomas Levingtoun of Halhill,	Plegio, Lamingtoune,	v^{m} li.
Gawin Hammiltoune of the Hill,	Plegio, Banhard eldar,	j^{m} li.
Robert Ra younger, noter,	Plegio, Capitan Lambye,	(left blank.)
James Maxwell of Calderwod,	Plegio, Jacobo Maxwell ſuo filio,	ij^{m} li.
George Hammiltoun younger of Preſtoune,	Plegio, Hugone Wallace de Carmyre,	ij^{m} li.
Arthour Hammiltoune of Parkheid,	Plegio, Carnall,	j^{m} li.
Johnne Millar in Mylneheuch,	Plegio, Mynto,	(left blank.)
Williame Greneſchelis of that Ilk,	Plegio, Ernok,	j^{m} markis.
Thomas Weir of Kirktoune,	Plegio, Jacobo Dowglas de Todhoilis,	j^{m} li.
Patrik Hammiltoune in Hammiltoune,	Plegio, Ley,	v^{c} li.
Johnne Hammiltoune in Merytoune,	Plegio, Cultermanys,	v^{c} li.
Williame Hammiltoune in Corſkallan,	Plegio, eodem,	ij^{c} li.
Johnne Hammiltoune of Stanehous,	Plegijs, Skraling et Carnall,	j^{m} markis.
Alexander Were of Halcraig,	Plegio, Todhoilis,	j^{m} markis.
James Hammiltoune, ſumtyme of Wodhall,	Plegiis, Forſyth de Dykis et Alexander Home, rectore de Spot,	ij^{m} li.
Bartilmo Robertoune in Hammiltoune,	Plegio, Ernok,	(left blank.)

Thir perſones being delatit for arte and pairt of the ſlauchteris and murthour of vmq^{le} the King and twa Regentis: Fand *reſpectiue* ſouerties vndir the panis aboue writtin, to the thrid day of the nixt Juſtice-air of Lanark, or ſoner, vpoune xv dayis warning.

The ſaidis Johnne Hammiltoune of Stanehous and Patrik Hammiltoune, aſkit inſtrumentis, that thai offer thaim ſelfis preſentlie to vnderly the law for the ſaidis crymes.—Lochlevin tuik inſtrumentis, that he, as perſewar, wes reddy to perſew thaim and all vtheris ſuſpect and giltie of the ſaid cryme.

Slaughter.

Jul. 31.—Williame Ker of Ancrum, Johnne Home, ſone naturale to

Johnne Home of Cranſtane, W^m. Henſlie of Fawlay, Jok Pyle of the Raw, George Pyle his bruder, George Pyle in Mylneheuch, Andro Hall of the Sykis, and Jok Hall callit *Perſeis Jok.*

Richard Rutherfurd, proueſt of Jedburch, wes vnlawit for non-reporting of lettres dewlie execute and indorſat, purcheſt be the kin and freindis of vmq^le James Henrye, burges of Jedburch, and James Mitchell, and (be) the proueſt himſelf, and the baillies, counſale, and commonitie of the ſaid burch, to tak ſouertie of Williame Ker, &c., to vnderly the law, for arte and pairt of the ſlauchter of the ſaidis perſones, committit the xv day of Junij laſtbipaſt; viz. in the pane of j^c li. for the ſaid Williame Ker, j^c markis for the ſaid Johnne Home, and xl pundis for ilk ane of remanent perſones foreſaidis.

Refusing to appear before the Regent and Council.

Aug. 8.—Henrye Lovell of Balumbie elder, Johnne Lovell ffear of Balumbie, and James Mehuile in Eiſter Forrye.

Lettres being produceit be the partye, quhair the ſaid Henrye wes denunceit rebell and at the horne, for his non-comperance before the Regent and Counſale; the ſaid Henrye was thairfoir put in ward, and thairefter deliuerit to my Lord Theſaurer, to be kepit in ſure firmance and cuſtody; as he wold anſwer to the Regent thairvpoune: Quhairupoune inſtrumentis were takin.—Continued as to the others to the Juſtice-air of Fyffe, tertio Itineris vel premonitione xv dierum: Plegijs, Powrye Ogilvye (for Johnne L.) vnder the pane of ij^m li., vnder proteſtatioune it preiuge nocht his regalitie; et Will^o. Muncreif de eodem.

[*Curia tenta in pretorio de Striueling, 'cum conſenſu partium.'*]

Piracy—Resett and selling of stolen goods, &c.

Aug. 15.—Walter Cowsland, ſone to Robert Cowſland, burges of Striueling.

Delatit of the aſſiſtance maid and gevin be him, to Harye Balfour, perat,[1] be thiftuous reſſet of diuerſe guidis and geir, reft and ſpulzeit be the ſaid Harye, be way of commoun Peracie, furth of the raid of Burdeaulx,[2] from ſindry the Kingis confidderat freindis:[3] And wes art and part with him in his reif and ſpulȝie[4] of the ſaidis gudis, be way of Peracie, as said is: And eftir ſelling of the ſaidis ſtollin gudis, he, with the ſaid Hary, paſt away with the ſchip and pryiſe, quhairin the ſaidis gudis wer takin, furth of Kirkaldye, vnto the raid of Abirdene; quhair thai, for cullouring of their Piracie and for feir of cuming

[1] Pirate. [2] The Roadſtead of Bourdeaux. [3] Allies or confederates, by leagues of amity, &c. [4] Robbery and ſeizing by violence.

thairof to Leyth, ſank and drownit the ſaid ſchip: And for diuerſe vtheris crymes of Peracie, at lenth ſpecifeit in the Lettres thairof.

Quhairof he was ACQUIT be Aſſyiſe.

PRELOCUTOURIS for this pannell.

Robert Cowſland, fader to the defender, Robert Ramſay, George Nicholl.

[*Curia tenta in pretorio de Edinburghe.*][1]

Assisting Rebels detainers of Edinburgh.

Oct. 29.—ELIZABETH INGLIS, ſpous to vmq^le Capitan James Moffet.

Capitan Johnne Spreule wes vnlawit in the pane of xl pundis, for non-reporting of lettres purcheſt be the Kingis Aduocat, to tak fouerte of Elizabeth Inglis, ſpous to vmq^le Capitan James Moffat, to vnderly the law, for aſſiſtance maid and gevin to the rebellis, detenaris of the burch of Edinburghe.

NOTA. Himſelf is donatour heirto.

Slaughter.

Oct. 29.—THOMAS BAILLIE, in Sanct-Johnnis-Kirk.

James Lockhart of Lay becomes pledge for the entry of Thomas Baillie, to underly the law for art and part of the ſlaughter of James Johnneſtoune of Weſtraw, committed in the month of January laſt; before the Juſtice or his deputies at the Air of 'Lanark, tertio Itineris, vel premonitione xv dierum.'

Witchcraft.

Dec. 29.—JONET BOYMAN, ſpous to Williame Steill.

Delatit of diuerſe crymes of Wichecraft.[2] 'CONUICT AND BRINT.'

Hearing of Mass.

Dec. 29.—ALEXANDER CREYCHTOUN of Newhall.

Delatit for hering of the Sacramentis to be miniſtrat in Papiſticall maner, within his awin place of Newhall, yerlie and monethlie, ſen the tyme of his laſt conuictioune, quhilk wes in Januar lxvij yeris: incontrair the Actis of Parliament.

VERDICT. Fylit be the Aſſyiſe, in reſpect of his awin conuictioune (confeſſioune?) 'CONUICT AND WARDIT.'

Comperit Capitain Robeſoune, and proteſtit in name of James Douglas, that this his conuictioune preiuge nocht his eſchete, quhairof he hes the gift.

[1] The trials after this date are all held within the Tolbooth of Edinburgh.

[2] No particulars whatever inserted in the Record.

Slaughter.

Feb. 3, 1572-3.—James Merser in Weſtir Auldye, Johnne Ireland in Reigheild of Auldye, Johnne Merſer in Craigtoun of Auldye, and Thomas Bell in Schanwell.

Delatit of the ſlauchter of vmq^le Robert Inglis in Medoheid.

Prelocutouris for the pannell.		Persewaris.	
The Lard of Balwerie,	The Lard of Bamff,	Catherine Spens, relict,	Thair Prelocutour.
Mr Richard Strang,	Johnne Ruſſale,	Johnne Inglis, bruder, and	Niniane Thomeſoune.
Mr Malcum Merſer,		ſevin fatherles barnis.	

Mr Richard Strang, prelocutour foirſaid, aſkit inſtrumentis of the executioun of the lettres; as thai beir: And allegeit, in reſpect of non-delinerance of copeis to twa of the principallis contenit in the ſaidis lettres, the executioune nocht to be dewlie maid conforme to the Act of Parliament; nochtwithſtanding the offir maid of ane copy, and refuiſe of the ſamin.

The Juſtice Repellis this allegeance, in reſpect of the Executioune.[1]

The prelocutouris for the pannell allegeit, this James Merſer, being ane gentilman of the Lard of Aldeis houſe, hes nocht ane ſufficient nowmer of Aſſyiſe, in peris;[2] and without his peris, conforme to the Act of Parliament, he aucht nocht to be put to the knawlege thairof.

The Juſtice findis this Aſſyiſe ſufficient for the pannell, in reſpect of the caus and parteis preſent perſewaris and defendaris.—'All four Acquit.'

The ſame day James Ferguſſoun of Dirtullych, *alias Barroun Ferguſſoun*, is fined for non-appearance of Williame Narne, ſone of George N. of M'Karſie, James his brother, and Patrik Bell, brother of Johnne Bell in Schammar; and Patrik Ferguſſoun of Stroymuk, and Donald Stewart of Dalwongie are fined for non-appearance of James Welkie and Patrik Stalker, ſervants of . . . . Merſer of Auldye, for art and part of the above ſlaughter, 'et leſionis vulnerationiſque Catherine Spens, ejus ſpouſe in diuerſis ſui corporis partibus, ad magnam ſanguinis ejuſdem effuſionem, illam ex partu pueri ſui maſculi abortam facien., et crudeliter eundem inde interficien., in menſe Octobris vlt. elapſ. ſub noctis ſylentio,' &c.

Assisting Rebels in Castle of Edinburgh.

Feb. 4.—Edward Kinkaid maltman in Edinburgh, James Vr fleſcheour, Niniane Arneill fleſcheour, Johnne Moffat yair, Johnne Wilſoun maltman, Johnne Lowrie maltman, Edward Paterſoun yair, Thomas Wynrame yair, Johnne Gray fiſche-monger, Patrik Gardner fleſcheour, and Audro Bartane.

Delatit for aſſiſtance maid and gevin to the Lard of Grange and vtheris de-

[1] The official atteſtation of a meſſenger at armes, that the letters were lawfully intimated by delivery of a copy for the party, or leaving the ſame at his dwelling-houſe, &c. [2] His equals in rank, his peers.

clarit tratouris, in keping, ſtrenthing, fortefeing, wittualing and withhalding of the burch and Caſtell of Edinburgh, incontrair our ſoueran lord and his hienes auctoritie.

Continewit to the nyxt day of Februar inſtant. At that diet of Court, the pannels came in the King's will, excepting Moffatt, whoſe caſe was continued to the third day of the enſuing Air; and 'þe theſaurar clerk grantit him to be ſatiſfeit' as to Kinkaid.

Assisting Rebels in Castle of Edinburgh, &c.

Feb. 4.—James Fleming.

Delatit for furneſing the rebellis within the Caſtell of Edinburghe, with a great quantity of wine, fleſh, fiſh, malt and other victuals, and receiving from them falſe and adulterate money or counterfutit cunze, and paſſing thereof amongſt the lieges; committed in the months of Auguſt, September, October, November, and December laſt.

Andrew Fiſcheare, burgeſs of Edinburgh, is fined in xl lib. for his non-appearance, and Fleming ordained to be denounced, &c.

Slaughter.

Feb. 6.—Arthur Forbes, ſon of Arthur Forbes of Reres, and Henry Forret.

Walter Scot of Branxhelme, and Alexander Forbes of Petſlego, fined in ij^{c} li., ij^{c} markis, and ij^{c}. markis, for non-appearnce of these perſons, to underly the law for being art and part of the ſlaughter of vmq^{le} Mr Johnne Wod, committed on the xv day of April 1570: The principal parties adjudged to be denounced rebels, and their moveables eſcheated, &c.

Treason—Conspiracy against the Regent, &c.

Feb. 9.—Alexander Haistie, Andro Gotterſoun ſmyth, Johnne Gairland ſclater, Thomas Galloway officer, William Forſyth cordinar, Patrik Cowper tailliour, James Hammiltoun ſkynner, Johnne Mayne, elder, merchand, and Petir Thomeſoune.

All thir perſonnes were conuict of the haill crymes contenit in the auld lettres, maid in Leyth; and for cuming to the Craigis, with the remanent, vpoun the tent of Junij laſtbipaſt; purpoſlie to have ſlane my Lord Regent and vtheris, his faythful ſubiectis for the tyme.

Item, the ſaid Petir Thomeſoun fylit and convict of ryving[2] of the nobill mennis armes.

[1] Tearing in pieces.

[*Mr Thomas Bannatyne, Justice-Depute.*[1]]

Reset and Intercommuning with Rebels, &c.

Feb. 23.—Patrik Lord Gray, James Scrymgeour conſtabill of Dundie, Alexander Maxwell of Teling and Dauid Maxwell his ſone and air.

Johnne Lovell ffear of Balumbie, being oftymes callit for productioun, and agane bringing of the lettres dewlie execute and indorſat, purcheſt be the Kingis Aduocattis to take ſouertie of Patrik Lord Gray, &c., to vnderly the law ffor reſſett and intercommoning with Henrye Lovell of Balumbye, Patrik and Dauid Lovellis his ſonis, and vtheris, being denunceit rebellis and at the horne; and nocht produceand nor reportand the ſamin, wes thairfoir vnlawit in the panis following, viz. for the ſaid Lord Gray, in the pane of[2] . . . . . .

Slaughter—Field of Langside.

Feb. 27.—Thomas Baillie, in Sanct Johnis Kirk.

Delatit of the ſlauchter of vmq^le James Ballanye and vtheris; committit at the Langſyde, the xiij of May anno lxviij (1568).

Plegio, Alex. Home to the morne. Poſtea, diſchargeit and the Court deſert, with conſent of Carmichaell, donatour.

Slaughter of Regent Lennox, &c.

March 4.—Johnne Moncur in Dunglas, and Patrik Heriot thair.

Delatit of the ſlauchteris of Mathow Erle of Leuenox Regent, George Dundas and Williame Schaw; and vtheris crymes.

Williame Reidpeth fear of that Ilk, fined in xl. pundis, for nocht produceing and agane bringing the lettres dewlie execute, &c.

Incest.

March 31, 1573.—Marioune Reid.

Delatit of arte and pairt of the abhominabill cryme of Inceſt, committit with Gilbert Young in Barnaught; being his wyfe, and knawing perfytlie hir ſaid ſpous to have lyne in ffornicatioune with Jonet Reid hir ſiſter, of beſoir, and ane barne procreat betuix thaim; and ſcho admoneiſt be the Kirk, to abſtene thairfra.

Plegio, Johanne Reid de Freyndlaſheid, to the morne; and thaireftir, continewit vndir ſouertie to the thryd day of the Juſtice-air of Air, or ſoner, vpoune xv dayes warning.

[1] Mr Thomas Bannatyne appears, in this Record, for the first time, as a Judge, on Feb. 17. He is to be considered as the officiating Justice-Depute after this date, unless the contrary is noted. Vid. Nov. 24, 1569. [2] A blank is left here.

Incest.

March 31.—GILBERT YOUNG in Barnaucht.

Delatit for the ſame crime.—Johnne Reid of Freyndalſheid, his cautioner, is fined for his non-appearance; and Young ordained to be denounced rebel, and his moveables confiſcated, as fugitive from the Law.

Assisting Rebels in Town and Castle of Edinburgh.

April 1.—JOHNNE WATSOUN, ſmyth, burges of Edinburgh.

Delatit of arte and part of the aſſiſtance maid and gevin be him to the traitouris and rebellis withhalderis of the Toun and Caſtell of Edinburgh; and vtheris crymes, contenit in the Lettres direct thairvpoune.—Ad remiſſionem, pro crimine. Plegio, Thoma Atcheſoun burgen. burgi de Edinburgh, ad ſatiſfaciend. partibus in ſe conquerentibus, ſecundum formam juris.

Assisting Rebels in Town and Castle of Edinburgh.

April 2.—WILLIAME HUCHESOUN, ſkynner, burges of Edinburgh, and Criſteane Barroune, (alias Gudeſoune,) his ſpous.

Delatit of aſſiſtance maid and gevin to the rebellis withhalderis of the Toun and Caſtell of Edinburgh. Hucheſoun 'ad remiſſionem pro crimine.' Plegio, Johanne Gilbert fabro aurario ad ſatiſfaciend. partibus et ad relevand.'

PRELOCUTOUR for Criſteane Barroune, Mr Alexander Sym.

This Prelocutour aſkit inſtrumentis, that he acceptit the ſummondis and all partis thairof, as it is qualefeit; proteſtand, that he wald nocht compeir for hir huſband; and allegeit, that ſeing na body perſewis this actioun bot the Kingis Aduocat, deſyris, befoir forther proces, that he will gif his ayth gif he hes juſt caus to perſew the ſaid Criſteane for this caus, quhilk he allegeit aucht to be gevin, in reſpect of the dittay is nocht ſworne of befoir; and in caiſe he refuſit to gif the ſamin, that na proces aucht to be vſit anent hir perſute this day.—Anſweris the Aduocat, he ſuld gif na ayth, nor is nocht haldin to gif the ſamin in na criminale actioun; and ſpecialie in crymes of Leſe-maieſtie.[1]—Anſueris Sym, he aucht to gif the ſamin, in reſpect of the natour of the caus and ſimplicitie of the woman; quhilk hes nocht occurrit of befoir; and als in reſpect of the Commoune Law berand, that in all cauſſis, the perſewar being requyrit, na thing aucht to proceid, quhill[2] he the perſewar gif his ayth that he hes caus to perſew.—The Aduocat, in reſpect of the practik of the realme and municipale law, allegit in the contrair; and ſpecialie, in reſpect hir huſband hes takin remiſſioune for the ſamin cryme, quha is conjunct perſoun with hir.

[1] Treason. [2] Until.

The Juſtice be Interloquitour, Findis forther proces to be vſit, nochtwithſtanding the allegeances foirſaidis.

Sym, as prelocutour foirſaid, allegeit this mater aucht nocht to pas to the knawlege of aue Aſſyiſe anent the perſute of Criſteane Barroun, becaus ſcho is callit, principalie, for remaning within the burch of Edinburgh the tyme lybellit; quhairin gif ſcho remanit, ſcho remanit with hir huſband, beand vnder his obedience; by[1] quhome ſcho had na remaning; ffra quhome, ſcho be na law wes haldin to depart, nor culd nocht leve in na place by[2] him, having na thing to leve vpoun: Attour,[3] ſeing that hir huſband hes gottin ane Remiſſioune, ſcho being ane pairt of his body, the ſamin Remiſſioune aucht to comprehend hir: Alwayis,[4] aganis hir, be na law, perſute can now be deduceit, for ony caus contenit in the Summondis; ſpecialie, in reſpect of the commoune practik of this realme in ſpulȝeis, that albeit[5] wemen be at the ſpulȝe, thay can nocht be perſewit thairfoir, hir huſband being on lyf: And ſpecialie, in reſpect that thair is na particuler deid, for the quhilk the woman is callit for the ſamin: Lyke as, thair is na deid in the ſummondis, that can fall vpoun hir;—*igitur, ut ſupra.*—Anſuerit the Aduocat, the mater aucht to pas to ane Aſſyiſe, in reſpect of the natour of the caus libellit aganis hir and hir huſband, bayth;[6] ffor the quhilk caus he has takin Remiſſioun him ſelf and vſit the ſamin: Specialie, that nowder[7] ſho nor hir huſband were haldin to abyde in this Toune, bot haldin to depairt furth thairof, conform to the Proclamationis maid thairvpoun; *ac tenta eſt etiam, quod delictum eſt perſonale et in ſolidum,* and ſtrykis vpoun all committaris thairof, alſuele woman as man.

Anſueris Sym, that in reſpect of the ſame anſuer maid be the Aduocat, na proces can be led aganis hir now, hir allane;[8] bayth becaus thai ar callit coniunctlie; and ſwa, being coniunctlie callit, and be the deid, *vnum corpus et vna caro:* And as to the allegeance, that thay wer bayth chargeit to depart, it is anſuerit as ofbefoir,[9] that gif he had departit and nocht ſcho, it mycht have bene ane cryme; but ſeing he remanit and nocht ſcho, na law can mak hir to incur ony cryme: And ſeing my lord Aduocat hes maid this allegeance, deſyris that he will give his ayth, give he hes iuſt caus to propone the ſamin; And gif he refuſis, that this mater aucht nocht to proceid ony forder.—Anſueris the Aduocat, in reſpect of the anſueris maid ofbefoir, ſpecialie, in reſpect ſhe is nocht onelie callit for remaning with hir huſband, bot for diuerſe vtheris capitale crymes contenit in the ſummondis, ſic as furnitour[10] of meit, drink, &c.[11] And

[1] Besides, *forbye.* [2] Without, apart from, *but,* independent of. [3] Besides, moreover. [4] At all events. [5] Although. [6] Besides, also, together. [7] Neither. [8] Individually, by herself. [9] Before, formerly. [10] The act of furnishing or providing. [11] To the rebels.

as to the defyre of the ayth, nane fuld be gevin, in refpect of the anfueris maid of befoir.

Attour, the faid Mr Alexander allegeit, the crymes contenit in the Summondis can nocht pafs to inqueift aganis hir perfoun for the faid caus, to wit, that thair is na cryme that can fall competentlie, in the perfoun of the faid woman; and feuerallie,[1] na thing aganis hir, vpoun hir awin fpeciale deid and fact: And the principale pairt of the crymes is allegeit to be committit, be the caufing and confent of thaim; quhairof na thing can be laid to the charge of the faid Crifteane, fcho having na command nor affent of hirfelf, bot of hir hufband being on lyve, quhilk is hir heid; and fwa, fcho can nocht be accufat vpoun na command nor caufing, and thairfore, aucht nocht to pas to inqueift; fpecialie of[2] the faid Remiffioune grantit to hir hufband for the haill crymes, at leaft Lefe-maieftie, quhilk comprehendis all and produceit in Jugement; feing he hes takin vpoun him, quha had it in deid, the haill caufing and command, vnder quhome fcho culd nocht, in ony wyife, confent nor command.—Anfuerit the Aduocat, it fuld be Repellit, in refpect of the Summondis as it is libellit, and crymes of Lefe-maieftie fpecefeit thairintill.

The Regentis grace ordanit, be his Precept, this Court to be defert, as eftir followis.

Apr. 8.—Johnne Sym comperand, proteftit for his relief, as fouerte, quhilk he becom for entre of the faid Crifteane.[3]

The faid Crifteane afkit inftrumentis of hir entre, and thaireftir produceit ane Supplicatioune,[4] with my Lord Regentis grace deliuerance, maid and fubfcryuit be his grace thairvpoune; quhairof the tennour followis.

Apud Halyrudehous, feptimo Aprilis, anno, &c. (I^m.V^c.) lxxiij^o. My Lord Regentis grace Ordanis þe complenar to prefent þis fupplicatioune to þe Juftice, Juftice clerk, and his deputtis, and þame to continew and fuperfeid all forder perfewing of þis complener for þe caus within mentionat. As þay will anfuer to his grace þairvpoune.

Conforme to the quhilk, the faid Crifteane defyrit the faid Juftice to obey the famin; quhilk he thinkand reafonabill, obeyit the faid deliuerance, and defert the Court heirof.

Slaughter.

May 6.—Lawrence Lord Oliphant.

Delatit of the flauchter of vmq^le James Roife. Plegio, the Maifter of Marcheall, to the thrid day of the nixt air of Perthe, or xv dayis warning.

Nota. This continewatioune wes in default of Affyife nocht comperand.

[1] Separately, as an individual. [2] On account of. [3] She is named 'Gudefoune' at her entry on this diet. [4] Bill, or Petition.

Fire-raising—Sheep-stealing, &c.

May 8.—Williame Donald and James Oliphar, ſomtyme ſeruandis to Blak Ormeſtoune.

Delatit of the treaſounabill burning of Sr Andro Kerris coirnis; and for thiftuous ſteling of nolt, ſcheip, and vtheris gudis, as the dittay beris. Quhairof they wer bayth Conuict be Aſſyiſe, and Hangit.

Holding of the Abbey and Place of Paisley, &c.

Jun. 23.—Richard Smyth, Alexander Clerk, Williame Paule, Wm Robertſonne, James Brok, Johnne Dunlop, Patrik Zettis, James Forthik, James Clerk, Wm Fleming and Wm Layng.

All convict, for haulding of the Abbay and Place of Paſley, incontrare our ſouerane lordis lieges; and aganis the tennour of his charge, direct be his lettres. Item, this Alexander Clerk Convict of the ſlauchter of Johnne Cawldwollis, in Gawynnis-Weſtir; and of taking his purſe, money, ſword and buklar.[1]

Forgery and falsing of an Instrument.

Jul. 16.—Schir Dauid Andersoune in Glasgow, and Schir Johnne Crawfurd, notar.

Delatit of the Forgeing and falſeing[2] of ane inſtrument.

Persewar.	Prelocutouris for this pannell.	
Marioune Myllar.	Mr Edmund Hay,	Mr Johnne Frude.

Verdict. The Aſſyiſe Conuicts and fylis the ſaid Sir Johne[3] of the ſteling of the Inſtrument from Marioune Millare, contenit in the firſt poynt of Dittay; and of the ſecund, towartis the fenzeing and forgeing ſamin Inſtrument; and of the thrid, contenit in the dittay: And the Aſſyiſe, quhill Saturday, delayit their jugement vpoune Sir Dauid Anderſoune, viz. the xviij day of Julij.

Jul. 18.—The Aſſyiſe, in reſpect of the Confeſſioune maid thaireftir of the ſaid Sir Johne, Acquit the ſaid Sir Dauid Anderſoune of the crymes ſpecifeit in the Dittay.

Curia Justiciarie s.d.n. Regis, tenta in pretorio de Edinburr, tertio Auguſti anno, &c. (ImVc) lxxiij° per nobilem et potentem dominum Archibaldum Comitem Ergadie, dominum Caupbell et Lorne, Juſticiarium generalem, &c.

Treason.

Aug. 3.—Mr James Kirkaldye and James Cokke (Cokkie), goldſmyth, burges of Edinburgh.

[1] Sentence not recorded. [2] Falsifying. [3] By a marking on the margin of the Record, ('Suſpen.') it appears that Craufurd was hanged. His confession is above alluded to.

Delatit of certane crymes of Treafoune, &c. committit aganis our fouerane lord and his hienes auctoritie.

ASSISA.

Williame Naper of Wrychtifhowffis,
Andro Ker of Fawdounfyde,
James Boifwell of Auchinlek,
Alex^r Vdward, burges of Ed.,
Johnne Dunbare, thair,
James Foirman, thair,
Andro Naper, bruder to Merchanftoune,
James Aikman, thair,
Edward Hoipe, thair,
George Campbell of Dowchall,
Williame Ramfay, burges thair,
Richard Rutherfurd, proueft of Ed.,
James Zoung, cutlar,
Johnne Aikinheid, thair,
Mongo Bradie, goldfmyth.

No particulars of this case are preserved. The sentence is as usual inserted, but only upon the margin. 'CONUICT. ET SUSPEN.'

Slaughter.

Aug. 5.—Capitane JOHNNE PENTLAND.

Delatit of the flauchter of vmq^le Niniane Liddell of Halkerftoune.

The quhilk day comperit the faid Capitan Pentland, and prefentit my Lord Regentis grace Precept, fubfcryuit with his hand, chargeing the Juftice, Juftice Clerk and their deputis, to fence[1] ane Court of Jufticiarie, and to prefent before thaim the faid Capitan, delatit of the foirfaid flauchter: And he being prefentit to reffaue him in will for the faid cryme, takand fouertie for affythment[2] of partye, as vfe is: And that in refpect the parteis complenaris procureit mercye and pardoun of his lyfe at the Regentis hand, and the fouerte being fundin, to pronunce and declair the famin will to be Baneifchement of his perfoun furth of the realme; takand lykewyife fouertie, that he fuld depart furth thairof, within xviij dayis nixt efter the dait of the faid Precept, and that he fuld nocht returne agane thairintill without licence of my Lord Regent, vnder the pane of ane thowfand pundis. As the famin Precept, of the dait the ferd[3] day of Auguft, the yeir of God I^m.V^c. lxxiij yeiris, fubfcriuit be James Erle of Mortoune, Regent foirfaid, at mair lenth beris.

Conforme to the quhilk, the faid Capitane enterand in jugement, and being accufit of the faid flauchter, become in our fouerane lordis will for the famin; quhilk will the Juftice foirfaid declarit to be Baneifchement of his perfoune during the Kingis grace and my Lord Regentis will. And thairfoir ordanit him to find cawtioun for fatiffactioune and affythment of partye, and that he fould depart and remane baneifcheit furth of the realme, conforme to the faid Precept. Quha ffand in Jugement, according to the faid Juftice command, Dyoneife

[1] A forensic term, equivalent to hold, open, commence. The act of fencing a Court is still performed by an officer, who forbids all persons from disturbing or molesting the Court during its sitting, &c. [2] A fine or compensation paid to the relatives of a murdered person, as a *solatium* and atonement for that deed. [3] Fourth.

Elphinſtoun, burges of Edinburgh, his bruder, Patrik Ogilwye, burges alſwa of the ſamin burch, with him ſelf, coniunctlie and ſeueralie, plegeis and ſourteis, bayth for Aſſythment of partye and that he ſall depart and remane baneiſcheit furth of the realme, during the ſpace aboue writtin.

Treason—Assisting Rebels in Town and Castle of Edinburgh.

Aug. 13.—Johnne Adamesoune, ȝounger, burges of Edinburgh, and twenty two others.

Delatit for treaſſonabill aſſiſtance maid and gevin be thaim to the rebellis and conſpiratouris, withhaldaris of the Toun and Caſtell of Edinburghe.

All thir comperand, become in will for the ſaid cryme, &c.

N.B.—A great number of others, burgesses of Edinburgh, are brought before the Justiciar during this month. Their trials are continued to the third day of the ensuing Justice-air for Edinburghe.

RECORDS OF THE COURT OF JUSTICIARY.

The Records of the Court of Justiciary, from this period to the close of the year 1576, are unfortunately lost or destroyed. There is every reason to suppose that this must have taken place previous to A.D. 1700.

Intercommuning with a Traitor and Rebel.

Oct. 23. 1576.—Andro Commendator of Jedburghe.

Dilatit of the treaſonabill Intercommowning with vmq^le James Ormeſtoun, ſumtyme of that Ilk, declarit tratour and rebell, in his awin ludgeing, within the burch of Jedburghe, in the moneth of Marche 1570 yeiris; and at the hill of Dvnȝone, beweſt[1] Jedburghe, in the moneth of Januar, the yeir of God foirſaid.

Persewar, Mr Dauid Borthuik.[2]

Allegit the ſaid Commendater, for himſelf, that he ſuld haif Periſe[3] to pas vpoun his Aſſyis, in reſpect that he is ane Lord of Parliament.—Anſuerit my Lord Aduocat, that albeit the ſaid Commendater haif voit in Parliament, yit that may nocht contryne[4] the Juge to gif him Lordis vpoun his Aſſyis; for then it ſuld follow, that the burgeſſis being accuſat, ſould haif Lordis vpoun thair Aſſyis, becaus thai are the thrid Eſtait in Parliament. In reſpect of the quhilk, allegeis the ſaid Mr Dauid Borthuik, aduocate, that the Lard of Riddell, being ane barroun of auld blude, ſuld pas vpoun his Aſſyis, and is ſufficient thairto.

[1] To the westward of. [2] Mr David Borthuik of Lochhill, and Mr Robert Creychtoun of Elliok, held the office of joint King's Advocates at this time. [3] In this instance, *perise* signifies not only equals or *peers* in point of rank, but Peers or Lords of Parliament. [4] Bind, or constrain.

The Juſtice, be Interloquitour,[1] in reſpect of the allegeances, continewis the mater, vnder ſouerte, to the morne. Plegio, Alexandro Hume de Hutounhall.

Oct. 24.—Continued to Feb. xv.[2]

Shooting and Slaughter of Deer and Roes.

Oct. 26.—JOHNNE CARMICHELL of Medowflatt,[3] Thomas Mureman, younger, in Kirkbryderig,[4] William Johneſtoun of Kellobank, Sym Carmichell,[5] Thomas Johneſtoun of Podene, Johnne Bretame in Dafibill, Johnne Moffett in Hennaland, James Johnneſtoun of Brakinſyde, Harbert Brettame, his bruder.

Dilatit of the ſchutting and ſlauchter of deir and ra, in Meggitland, incontrair the tennour of the Actis of Parliament.

George Balfour, Priour of the Charterhous, Sir Kew Kennedye of Girvanemanys, knycht, John Johnneſtoun of that Ilk, and Thomas Johnneſtoune of Cragaburne, become ſouerties, &c., that thai and ilk ane of thame ſall ſateffie our ſouerane lordis will, abſtene in tymes cuming, and deliuer thair gunnis to the Capitane of the Caſtell of Edinburghe, betuix and the firſt day of December nixttocum, vnder the pane foirſaid.

Stealing of Tombstones.

Nov. 3.—ALEXANDER MACKE in Inuerrowrie, Johnne Fraſer, maſoun in Aberdene, Dauid Scherare maſoun thair, and Johnne Baynȝe, at the croce of Inuerrowrie.

Dauid Leith of . . . . . , ſcherurgeane and cuttir of-the ſtane[6] beſyde Abirdene, oft tymes callit to haif produceit our ſouerane lordis lettres deulie execut and indorſate, purcheſt be James Elphinſtoun of Glak, Johnne Seytoun of Lumfurd, Kirkmaiſteris of the Kirk of Devyot and the Aduocattis, to tak ſouerte of Alex. McKe, &c., that thai ſuld compeir befoir our ſouerane lordis Juſtice or his deputis this day and place, to vndirlye the law, for the thiftuous ſteling and away taking furth of the Kirkȝard of Devyot, of ane grit nowmer of hewin kirk-ſtanes, committit in the moneth of Junij laſtbypaſt, &c. And nocht comperand, was thairfoir amerciat in the panes contenit in the Actis of Parliament, viz., for ilkane of thame, in the pane of ten pundis.

[1] A judgment so called, *quia judex ad interim loquitur*, Crooksh. Church Hist., &c. [2] This case was afterwards continued to April 16 and 22, 1577. [3] I^m (1000) markis. [4] V^c (500) li. [5] And the remainder in the pane of iij^c markis each. [6] Surgeon and stone-cutter (not cutter for the stone)—*in utrumque paratus*—dexterous alike in the use of the scalpel and chisel—a resurrectionist of tombstones as well as of the tenants of the tomb; at all events it may be charitably inferred, that the four worthies on pannel were his purveyors, in at least one of the branches of his calling.

Convocation of the Lieges—Usurpation of King's Authority, &c.

Nov. 6.—George Crawfurd of Lefnories, Hew Crawfurd of Auchinvie his Bailze, George Crawfurd of Auchincroice, Ronald Hutcheoun in Hannayftoun, and thirteen others.

Delatit of convocatioun of our fouerane lordis liegis, to the nowmer of lx perfounes or thairbye, bodin in feir of weir,[1] incontrair the Actis of Parliament; and cuming to the hous of Dauid Blak in Dallek-killis, quhairin thai had houfit Johne Craufurd of Heidmark, affegeing to the famin be the fpace of thre houris or thairbye, quhill[2] thai forceit him to rander the famin to thame; taking of the faid Johne Craufurd in Heidmark perforce, and haifing of him bund as captiue to the place of Lefmoreis, quhair thai detenit him within the famin, be the fpace of xviij dayes or thairbye, in ftrait captiuitie and prefoun: Vfurpand thairthrow our fouerane lordis auctoritie vpoun thaim; the faid Johne being his hienes frie liege-man, and thai haifand na power nor Commiffioun to that effect: Committit in the moneth of October, the yeir of God I^{m}.V^{c}. lxxiiij zeiris; of the fpeciall caufing, deuifing, airt, pairt-taking, command, affiftance and ratihabitioun[3] of the faid George Craufurd of Lefmoreis; and vtheris crymes, at lenth contenit in the lettres direct thairvpoun.

Prelocutouris in defence.		Persewaris.
The Lard of Kelwod,	Johnne Craufurd of Camlarg,	Johne Craufurd in Heidmark,
Mr Alex. Sym,	Mr Alex. Mauchane,	Mr Robert Creychtoun, King's Aduocat.
Mr Johne Mofcrope,	Mr Thomas Weftoun.	Prelocutour. The Maifter of Vchiltre.

Continued to the Juftice-air of 'Air, tertio Itineris vel fuper premonitione xv dierum.'

Sorcery, Witchcraft and Incantation.

Nov. 8.—Elizabeth or Bessie Dunlop, fpous to Andro Jak in Lyne.[4]

The Trial of Bessie Dunlop is one of the earliest, and may assuredly be reckoned as one of the most extraordinary cases on record, in reference to the infatuation, common to all the nations of Europe at that period, on the subject of Witchcraft. It is in every view extremely interesting, but more particularly on account of the very minute and graphic details given by Bessie of many circumstances connected with the prevailing superstition, especially in relation to *the Court of Faerie;* which, so far as the Editor knows, are not elsewhere to be found. Few scenes perhaps are anywhere to be met with, so intensely attractive as the meetings with '*Thom Reid.*'

The Dittay, or Indictment, seems to have been an echo of two Declarations, emitted by this

[1] Arrayed in warlike manner. In Latin it is usually expressed *more bellico armatus.* [2] Until. [3] Confirmation; from Law Latin, *ratihabere.* [4] On the margin of the Record, 'Conuict, and brynt.' Lyne or Linne, in Ayrshire, was a six-merk land, lying in the barony of Dalry, the property of the family of Lord Boyd. It is likely that Bessie and her husband were tenants or cottars on this estate, as the principal scene of the following transactions is within the county of Ayr. There is also a parish of Line in Peebles-shire.

ill-fated woman; no doubt extorted, as usual, by the application of the most exquisite tortures. The Inquest or Assyise return a *Special* Verdict, corresponding to the various Articles or *points* of the Dittay and Examinations; which poor Bessie, to avoid farther torture, (as may naturally be inferred,) confesses; and is accordingly '*fylit*,' on her own confession. It is very unfortunate, that in this, as in most other instances during the Sixteenth Century, the Record is so very brief with regard to the *procedure* which took place in Court.

With regard to the *guilt* of this unlucky woman, there can hardly be two opinions. She was certainly the dupe of her own overheated imagination, already well stored with such fancies, before her first interview with Thom Reid;[1] who (if not entirely the phantom of a disordered brain) may not unlikely have been some heartless wag, acquainted with the virtues and use of herbs, and who possibly may have played off this too fatal joke on his unhappy victim.

In vindication of the Criminal Tribunals of this country, as well as those of England and France, &c. it is worthy of remark, that in almost all cases of Witchcraft, the trial and the punishment following upon conviction, were as frequently for the public *profession* of the art, '*ufing* of Sorcerie,' &c., and for *abusing the people* with their 'devilifch craft,' as for the *act* of Witchcraft itself. In some instances, the poor creatures were convicted for '*being notour Witches*,' and were put to death, after undergoing the most frightful tortures, on the slenderest evidence, afforded by the testimony of ignorant and superstitious country people, when added to the circumstance of their being '*habite and repute*.'

There was generally, in all cases of this nature, a previous Precognition taken before the Privy Council, most frequently after repeated examinations before the Kirk Session, or the Presbytery of the bounds where the unfortunate victim resided. Such inquisitions generally proceeded upon a special Commission issued by the Privy Council; when the evidence of neighbours was taken down, whose lamentable ignorance and superstitious fears would magnify into Sorcery and Witchcraft the simplest actions in the life of the suspected Witch. Solitary confinement, cold and famine, extreme thirst, the want of sleep, and the privation of all the comforts, even the commonest necessaries of life, the desertion of their affrighted relations and friends, added to the cruellest tortures, generally induced them at length, weary of life, to make their 'Confeffion,' as it was called.

One of the most powerful incentives to 'Confeffion' was systematically to deprive the suspected Witch of the refreshment of her natural rest and sleep; and the cruellest means were often resorted to, to accomplish this heinous purpose. Even the indulgence of lying in a reclining posture on their handful of straw was frequently denied them. This engine of inhuman oppression was perhaps more effectual in extorting confessions, than the actual application of the torture or *question* itself. Iron collars, or '*Witches bridles*,' are still preserved in various parts of Scotland, which had formerly been used for such iniquitous purposes. These instruments were so constructed, that by means of a hoop which passed over the head, a piece of iron, having four points or prongs, was forcibly thrust into the mouth, two of these being directed to the tongue and palate, the others pointing outwards to each cheek. This infernal machine was secured by a padlock. At the back of the collar was fixed a ring, by which to attach the Witch to a staple in the wall of her cell. Thus equipped, and night and day 'waked' and watched by some *shilful* person appointed by her inquisitors, the unhappy creature, after a few days of such discipline, maddened by the misery of her forlorn and helpless state, would be rendered fit for 'confessing' any thing, in order to be rid of the dregs of her wretched life. At intervals, fresh examinations took place, and these were repeated from time to time, until her 'contumacy,' as it was termed, was subdued. The Clergy and Kirk Sessions appear to have been the unwearied instruments of 'purging the land of witchcraft;' and to them, in the first instance, all such complaints and informations were made.

[1] In Article 14, we are informed that Thom was 'officiare to the Lard of Blair,' probably his baron-officer.

Trial followed closely on the emission of one or more of the Declarations or Confessions thus obtained, which formed the ground-work of the public accusation and prosecution. The Assise, having merely to compare the indictment or dittay with the previously extorted Confession, and such other written or oral testimony as the prosecutor chose to adduce, returned their verdict, 'culpable and fylit.' Doom was, of course, pronounced in terms of law—and in a few hours the wretched victim was led out to the stake, to be strangled and burnt to ashes.

Dilatit of the vſing of Sorcerie, Witchcraft, and Incantatioune, with Invocatioun of ſpretis of the devill; continewand in familiaritie with thame, at all ſic tymes as ſche thocht expedient; deling with charmes, and abuſing the peple with devilliſch craft of ſorcerie foirſaid, be the meanis eftir ſpecefeit; vſit thir diuerſe yeiris bypaſt; ſpecialie, at the tymes and in maner following.

In the firſt, That fforſamekle as the ſaid Elizabeth being demandit, be quhat art and knaulege ſche culd tell diuerſe perſounes of thingis thai tynt, or wer ſtollin away, or help ſeik perſounes? Anſuerit and declarit, that ſche hirſelf had na kynd of art nor ſcience ſwa to do; bot diuerſe tymes, quhen onye ſic perſounes come ather to hir, ſche wald inquire at ane Thome Reid, quha deit at Pinkye,[1] as he himſelff affirmit; wha wald tell hir, quhen euir ſche aſkit.[2]—(2.) Item, Sche being inquirit, quhat kynd of man this Thom Reid was? Declarit, he was ane honeſt wele elderlie man, gray bairdit, and had ane gray coitt with Lumbart ſlevis of the auld faſſoun; ane pair of gray brekis and quhyte ſchankis, gartanit abone the kne; ane blak bonet on his heid, cloiſe behind and plane befoir, with ſilkin laiſſis drawin throw the lippis thairof; and ane quhyte wand in his hand.[3]—(3.) Item, Being interrogat, how and in quhat maner of place the ſaid Thome Reid come to hir? Anſuerit, as ſche was gangand betuix hir awin hous and the yard of Monkcaſtell, dryvand hir ky to the paſture, and makand hevye ſair dule with hir ſelf, gretand verrie faſt for hir kow that was deid, hir huſband and chyld, that wer lyand ſeik in the land ill,[4] and ſche new riſſine out of giſſane.[5]

[1] Viz. at the Field of Pinkie, Inveresk, or Musselburgh, 10 Sep. 1547. See Article 14. [2] On the margin, 'Confeſſit be hirſelf and fylit be the Aſſyis thairof.' See Art. 14. [3] 'Confeſſit and fylit.' [4] Mr C. K. Sharpe, in a note to the Editor, queries 'land-ill?' The Editor is inclined to think this is the right reading, although the meaning of the term is now entirely obsolete. In diseases of sheep and cattle, similar phrases are still in use; such as the 'muir-ill,' the 'loupin-ill,' &c. The 'land-ill' seems to have been a familiar term employed for denoting famine, the pestilence or plague, or some prevailing and fatal epidemic. The following illustrative quotation is taken from 'Ane Addicioun of Scottis Cornicklis and Deidis,' privately printed, from an Original Manuscript, by Thomas Thomson, Esq. Deputy-Clerk-Register of Scotland, to whom the Editor is indebted for pointing out so interesting a passage. 'The famyne tyme, (anno 1439,) þar was in Scotlande a gret derthe, for þe boll of quheit was at xl ſ., ande þe boll of ete-mele xxx ſ.; and werraly þe derthe was ſa gret, þat þar deit a paſſinge peple for hungere. And, alſe,[1] þe lande-ill,[2] þe wame-ill,[3] was ſo violent, þat þar deit ma[4] þat ȝere þan euer þar deit, ouder[5] in peſtilens or ȝit in ony uþer ſeiknefe in Scotlande. And þat ſamyn ȝere þe peſtilens come in Scotlande, and began at Drumfreſe; ande it was callit 'þe peſtilens but[6] mercy,' for þar tuke it nain þat euir recouerit, bot þai deit within xxiiij houris.' [5] Child-bed; usually spelt 'gizzene' or 'jizzen' from old French, 'gisante,' a woman lying in the straw.

[1] Besides. [2] Famine, dearth, the disease or scourge of the land. [3] Flux, dysentery, or cholera morbus. [4] More. [5] Either. [6] Without.

The foirſaid Thom mett hir be the way, healſit hir, and said, 'Gude day, Beſſie;' and ſche ſaid, 'God ſpeid yow, gudeman.'[1] '*Sancta Marie*,'[2] ſaid he, 'Beſſie, quhy makis thow ſa grit dule and ſair greting for ony wardlie[3] thing?' Sche anſuerit, 'Allace! haif I nocht grit caus to mak grit dule? ffor our geir is trakit;[4] and my huſband is on the point of deid, and ane babie of my awin will nocht leve; and myſelf at ane waik point; haif I nocht gude caus thane to haif ane ſair hart?' Bot Thom ſaid, 'Beſſie, thow hes crabit[5] God, and aſkit ſum thing yon ſuld nocht haif done; and, thairfoir, I counſell thee to mend to him: for I tell thee thy barne ſall die, and the ſeik kow, or[6] yow cum hame; thy twa scheip ſall de to: bot thy huſband ſall mend, and be als haill and feir as euir he was.' And than was I sumthing blyther, fra he tauld me that my gudeman wald mend. Than Thome Reid went away fra me, in throw the yard of Monkcaſtell; and I thocht he gait in at ane naroware hoill of the dyke nor ony erdlie man culd haif gane throw; and ſwa I was ſumthing fleit.[7] This was the firſt tyme that Thom and Beſſie forgadderit.[8]—(4.) ITEM, The thrid tyme,[9] he apperit to hir, as ſche was gangand betuix hir awin hous and the Thorne[10] of Damwſtarnok, quhair he tareit ane gude quhyle with hir, and ſperit at hir, 'Gif ſche wald nocht trow[11] in him?' Sche ſaid, 'Sche wald trow in ony bodye did her gude.' And Thom promeiſt hir bayth geir, horſis, and ky, and vthir graith, gif ſcho wald denye hir Chriſtindome, and the faith ſche tuke at the funt-ſtane.[12] Quhairvnto ſche anſuerit, 'That gif ſche ſuld be revin at horiſ-taillis, ſche ſuld neuir do that;' bot promeiſt to be leill and trew to him in onye thing ſche culd do. And forder, he was ſumthing angrie[13] with hir that (ſche) wald nocht grant to that quhilk he ſpak.[14]—(5.) ITEM, The ferd[15] tyme he apperit in hir awin hous to hir, about the xij hour of the day, quhair thair was ſittand thre tailȝeouris, and hir awin gudeman; and he tuke hir apperoun and led hir to the dure with him, and ſche followit, and ȝeid[16] vp with him to the kill-end, quhair he forbaid hir to ſpeik or feir for onye thing ſche hard or ſaw; and quhene thai had gane ane lytle pece fordwerd, ſche ſaw twelf perſounes, aucht wemene and four men: The men wer

[1] 'Fylit.' [2] It seems not a little singular that these personages, whether 'gude wychtis,' 'brounies,' or 'ympis,' *et hoc genus omne*, nay, even 'Sathanas' himself, uniformly make use of the most pious salutations; often, indeed, the very words which the strange superstition of the Judge and Jury would have uttered in time of need to have dispersed them, or sunk them 100 fathoms deep in the Red Sea! Their own superstitious recollections should have informed them, that no evil spirit, such as they imagined the Thom Reids, Sathans, &c. to be, could have, even for a moment, listened to these holy words; far less to have gravely pronounced them. No doubt these were the common salutations of the Catholics of the Church of Rome of this period, but assuredly not lightly to be pronounced by such questionable characters as Thom. [3] Earthly, worldly. [4] Dwindled away. [5] Provoked, displeased, made angry, vexed. [6] (Likewise?) before you get home. [7] Fleyed, afraid. [8] 'Confeſſit and fylit.' [9] There is probably a clerical omission in this part of the Record, for no notice is taken of the second meeting. [10] Thorns were well-known 'tryſting places,' as well for brounies as for lovers. [11] Believe, put confidence in. [12] At the font, in baptism. [13] Vide Articles 6 and 25, &c. [14] 'Confeſſit and fylit.' [15] Fourth. [16] Gaed, went.

cled in gentilmennis clething, and the wemene had all plaiddis round about thame, and wer verrie femelie lyke to fe; and Thome was with thame: And demandit, Gif fche knew ony of thame? Anfuerit, Nane, except Thom. Demandit, What thai faid to hir? Anfuerit, Thai baid hir fit doun, and faid, 'Welcum, Beffie, will thow go with ws?' Bot fche anfuerit nocht; becaus Thom had forbidden hir. And forder declarit, That fche knew nocht quhat purpois thai had amangis thaine,[1] onlie fche faw thair lippis move; and within a fchort space thai pairtit all away; and ane hiddeous vglie fowche of wind followit thame: and fche lay feik quhill Thom came agane bak fra thame.[2]—(6.) Item, Sche being demandit, Gif fche fperit at Thom quhat perfounes thai war? Anfuerit, That thai war the gude wychtis that wynnit in the Court of Elfame;[3] quha come thair to defyre hir to go with thame: And forder, Thom defyrit hir to do the fam; quha anfuerit, 'Sche faw na proffeit to gang thai kynd of gaittis, vnles fche kend quhairfor!' Thom faid, 'Seis thow nocht me, baith meit-worth, claith-worth, and gude aneuch lyke in perfoun; and (he?) fuld make hir far better nor euer fche was?' Sche anfuerit, 'That fche duelt with hir awin hufband and bairnis, and culd nocht leif thame.' And fwa Thom began to be verrie crabit[4] with hir, and faid, 'Gif fwa fche thocht, fche wald get lytill gude of him.'[5]—(7.) Interrogat, Gif fche had focht ony thing at Thom to help hir felf, or ony vthir with? Anfuerit, That quhen fundrie perfounes cam to hir to feik help for thair beift, thair kow or yow,[6] or for ane barne that was tane away with ane evill blaft of wind, or elf-grippit, fche gait[7] and fperit at Thom, Quhat mycht help thame? And Thom wald pull ane herb, and gif hir out of his awin hand; and baid hir fcheir[8] the famin with onye vthir kynd of herbis, and oppin the beiftis mouth, and put thame in; and the beift wald mend.[9]—(8.) Item, Thom gaif hir, out of his awin hand, ane thing lyke the rute of ane beit, and baid hir owthir feith, and mak ane faw[10] of it, or ellis dry it, and mak pulder of it, and gif it to feik perfounes, and thai fuld mend. Interrogat, How fche knew the famin wald haill? Declarit, That fa fon as fche rubbit the faw vpoun the patient, man or woman, or chyld, and it drank in, the chyld wald mend; bot gif it fwat out, the perfoun wald die.[11]—(9.) Item, Demandit, To whom fche applyit that kynd of medecine? Anfuerit, That fche mendit Johne Jakis barne, and Wilfounes of

[1] *i. e.* What was the subject of their conference. [2] 'Confeffit and fylit.' [3] The good neighbours or brownies, who dwelt at the Court of Faery, *q. d.* Elf-hame. [4] Crabbed, cross, angry. [5] 'Confeffit and fylit.' See Articles 4 and 25, &c. [6] Ewe. [7] Went. [8] This word 'fcheir' does not only here signify to shear or cut as with a scythe or sickle, but to 'fchair,' 'fchyre,' or 'ftrain,' *i. e.* after being mingled with other herbs, it was to be *sifted*, if in the state of powder, or *strained*, through a sieve or cloth, if in a liquid form. See also Article 9. [9] 'Confeffit and fylit.' [10] *i. e.* Either seethe, and make a salve or ointment of it, or else dry it, and make a powder of it. [11] 'Confeffit and fylit.'

the toun, and hir gudeman-ſiſteris kow: Thre tymes Thom gaif hir ſic ane herb out of his awin hand. And demandit, To quhom ſche applyit the powder in drink? Declarit, That the Ladye Johneſtoune, elder, ſend to hir ane ſeruand of the ſaid ladies, callit Catherine Dunlop, to help ane young gentill woman, hir dochter, now mareit on the young Lard of Stanelie; and I thairvpoun aſkit ounſall at Thom. And he ſaid to me, 'that hir ſeiknes was ane cauld blude, that gaid about hir hart, that cauſit hir to dwam and vigous away;'[1] and Thom baid hir tak ane pairt of ginger, clowis, annetſedis, licoreſe, and ſum ſtark aill, and ſeith thame togidder, and ſchyre it,[2] and put it in ane veſchell, and tak ane lytill quantetie of it in ane mutchekin cane, and ſum quhyte ſucker caffin amang it; tak and drink thairof ilk day, in the morning; gang[3] ane quhyle eftir, befoir meit; and ſche wald be haill. Interrogat, Quhair ſche gaif the gentill woman the drink? Anſuerit, In hir awin ſiſteris hous, the young Ladye Blakhallis. Demandit, Quhat ſche gat for hir doing? Declarit, Ane pek of meill and ſum cheiſe.—(10.) ITEM, Demandit, Gif ony vther perſounes had bene at hir for the lyke caus? Declarit, That the Lady Kilbowye, elder, ſend for hir, and deſyrit to ſe gif ſche culd mak hir ony help for hir leg, that was cruikit; quha promeiſt anſuer, ſa ſone as ſche had ſpokin with Thom; but Thom ſaid, 'Sche wald neuir mend; becaus the merch[4] of the bane was conſumit, and the blude doſinit; and gif ſche ſocht onye forder help, it wald be war with hir!'[5]—(11.) ITEM, Sche being demandit, Gif ſche culd do onye gude to ony wemene that wer in travell of thair chyld bed-lare? Anſuerit, That ſche culd do nathing, quhill ſche had firſt ſpokin with Thom; quha layit doun to hir ane grene ſilkin laiſe, out of his awin hand, and baid hir tak it to thair wylie coittis,[6] and knit about thair left arme; and incontinent the ſeik woman ſuld be deliuer. Bot the ſaid laiſe being layit anis doun be Thom, ſche culd neuir apprehend it, and maid grit ſeking thairfoir.[7] Item, Declarit, That quhen hirſelf was lyand in chyld-bed-lair of hir laſt laid,[8] Thom come to hir, in hir awin hous, and bad hir 'tak ane gude hart to hir, for nathing ſuld aill hir.'[9]—(12.) INTERROGAT, Gif ſche culd tell of ony thing that was away, or ony thing that was to cum? Anſuerit, That ſche culd do nathing hir ſelff, bot as Thom tald hir: And farder declarit, That mony folkis in the

[1] Suddenly to swoon or faint away; *vertigine corripi*. The word '*vigous*' the Editor never before heard of. It appears to have a similar sense with '*dwalm*,' and is probably from Lat. *vacare*, *vagare*, or Fr. *vaquer*, indicative of an extraordinary vacancy, or wandering of the mind and senses; or the indescribable sensations experienced by those who are recovering from a swoon. Extremely old people are vulgarly said to be 'quite *vaig*,' when insensible to what is passing around them, although they still retain, to a certain degree, the senses of hearing and seeing. *Vige*, Dan. and *wage* (*vaige*), Swed. signify, to yield, to give way from want of ability to resist, and may perhaps be the root of this word. [2] Vid. Article 7. [3] Go, walk. [4] Marrow. [5] 'Confeſſit and fylit.' [6] Tack or attach it to their under-dress. The '*wylie coit*' seems to have been an under-dress, such as a woollen or flannel jacket. [7] 'Confeſſit and fylit.' [8] Burden, not lad or laddie. See also Article 20. [9] 'Confeſſit and fylit.'

countre (came to hir?) to gett witt of geir ſtollin fra thame. Demandit, Quhat perſounes thai wer? Anſuerit, The Ladye Thridpairt, in the barronye of Renfrew, ſend to hir, and ſperit at her, Quha was it that had ſtollin fra hir twa hornis of gold, and ane croune of the ſone, out of hir pyrſe? And, eftir ſche had ſpokin with Thom, within xx dayis, ſche ſend hir word quha had thame; and ſche gat thame agane. Item, James Cwninghame, chalmerlane of Kilwinning, come to hir about ſum beir that was ſtollin furth of the barne of Cragance; and ſche tald him quhar it was; and he gat it agane. Item, The Ladye Blaire ſundrie tymes had spokin with her, about ſum claiſe that was ſtollin fra hir; ane pair of ſtemming hoiſe, ane pair of ſcheittis, ane codwair, lynning claithis, ſarkis and ſeruiettis, ffor the quhilkis ſche dang and wrackit hir awin ſeruandis; bot Thom tauld hir, 'That Margret Symple, hir awin friend[1] and ſernand, had ſtollin thame.' Item, Being demandit of Williame Kyle, burges of Irrvin, as he was cumand out of Dumbartane, quha was the ſteillar of Hew Scottis cloik, ane burges of the ſam toun? Thom anſuerit, 'That the cloik wald nocht be gottin; becauſe it wane (ware?) tane away be Malye Boyde, duellare in the ſam toun, and was put out of the faſſoun of ane cloik, in ane kirtill:'[2] and albeit, ye ſaid Williame had promeiſt that ſche ſuld nocht be trublit for the declaratioun of the ſamin; yit, ſa ſone as ſche com to the mercat of Irrvin, ſche was put in the tolbuyth and ſtrukin; bot was relevit be James Blair, brothir to Williame Blair of the Strand.'[3]—(13.) Item, Demandit, (Gif ſche had been applyit to?) be Henrie Jameſoun and James Baird in the Manys of Watterſtoun, to get thame knawlege quha had ſtollin thair plew-irnis,[4] fittick and muſell? Declarit, 'Sche ſuld gif thame anſuer ſa ſone as ſche had ſpokin with Thom; quha ſchew hir that Johne Blak and George Blak, ſmythis, had ſtollin the ſamin; and that the cowtir and ſok wer lyand in his awin hous, betuix ane mekle ark and ane grit kiſt:' And forder ſaid, 'That quhen thai com thair to the ryping, thai ſuld nocht find thame; becaus that Jame Dowgall, ſheriffis officiar, quha than preſentlie was with thame, ſuld reſſaif thre pundis for the conceling of thame; for the quhilk caus alſo, ſche was apprehendit be the ſaidis ſmythis, and brocht to my Lord of Glaſgow.'[5]—(14.) Interrogat, Quhow ſche kennit that this man was Thome Reid, that deit at Pinkye? Anſuerit, Sche neuir knew him quhen he was on lyfe; bot that ſche ſuld nocht dout that it was he bad hir gang to Thom Reid, his ſone, now officiare in his place, to the Lard of Blair, and to certain vtheris his kynniſmen and freindis thair, quhom he namit; and baid thame reſtoir certane guidis, and mend vthir offencis that thai had done; and that it was

[1] Relative or relation. [2] Altered from the shape of a cloak into that of a kirtle. [3] 'Fylit.' See Article 15. [4] See Article 26. [5] Confeſſit and fylit.' The Bishop of Glasgow, James Boyd of Trochrig, was the second son of Adam Boyd of Pinkill, brother to Lord Boyd, who was Bessie's landlord; and, as appears from Article 23, seems to have been favourable to Bessie.

he that ſend thame word thairof: 'Remember[1] . . . . . that quhen he and he went togidder to the blak Settirday;[2] and that the ſaid . . . . . wald haif bene ane vther gait; he drew him be the Kirk of Dalrye, and thair coft ane pund of feggis and gaif him, and put thame in his naipkin; and ſa thai went togidder, quhill thai com to the feild.'[3]—(15.) ITEM, Interrogat, Gif Thom, at his awin hand, had ſend to ony perſoun, to ſchaw thame thingis to cum? Declarit, That he ſend hir to na creatour in middilyerd,[4] bot to Williame Blair of the Strand,[5] and his eldeſt dochter, quha was contractit and ſchortlie to be mareit with . . . . . Crawfurd, young Lard of Baidland, and declair vnto thame, 'That gif ſche mareit that man, ſche ſuld aythir die ane ſchamefull deid, ſlay hir ſelf, caſt hirſelf doun our ane craig, or ga reidwod;'[6] quhairbye the ſaid mareage was ſtayit; and the lard foirſaid mareit hir youngeſt ſuſter. Tryit to be of veritie.[7]—(16.) INTERROGAT, Quhat ſche thocht of the new law?[8] Anſuerit, That ſche had ſpokin with Thom about that mater; bot Thom anſuerit, That this new law was nocht gude; and that the auld ffayth ſuld cum hame agane, but nocht ſic as it was befoir.[9]—Interrogat, Gif euir ſche had bene in ſuſpect place with Thom, or had carnell deill with him? Declarit nocht vpoun hir ſaluatioun and condemnatioun; bot anis he tuke hir be the aproun, and wald haif had hir gangand with him to Elfame.[10]—(17.) ITEM, Interrogat, Quhat tyme of the day or nycht he maiſt reſortit to hir? Anſuerit, That at the twelft hour of the day was his commoune appearing.[11]—(18.) Interrogat, Gif ſche had ſene him gangand vp and doun the warld? Declarit, That anis ſche ſaw him gangand in the kirkyard of Dalrye, amangis the people.[12]—(19.) Demandit, Giff ſche ſpak onye thing to him? Anſuerit, Na, becaus he had forbiddin hir, that, quhair euir ſche ſaw him, or mett with him, ſche ſuld neuir ſpeik to him, vnles he ſpak to hir firſt.[13] Item, ſche ſaw him gangand vp and doun on the gait[14] of Edinburgh, vpoun ane mercat day, quhair he leuch vpoun hir, and gaid vp and doun amangis the peple, and put his handis to the lavis, as vthir folk did.[15]—(20.) INTERROGAT, Gif ſche neuir aſkit the queſtioun at him, Quhairfoir he com to hir mair (than) to ane vthir bodye? Anſuerit, Remembring hir, quhen ſche was lyand in chyld-bed-lair, with ane of hir laiddis,[16]

[1] These and the following blanks left in the Record. The words quoted are those which Thome desired her to repeat to each of these persons, in testimony of the truth of her errand. [2] The fatal field of Pinkie, Inveresk, or Musselburgh, fought on 10th Sept. 1547. Besides the account by Patten the Londoner, reprinted by Dalyell in his Fragments of Scottish History, there is an interesting French account of this battle by M. Berteville, lately presented by Mr D. Constable, to the Members of the Bannatyne Club, accompanied by a very curious contemporary plan of the battle, the original engraving of which (the property of the Bannatyne Club) is now placed in the Museum of the Society of Antiquaries of Scotland. [3] Viz. to Pinkie. 'Fylit.' [4] 'Middle-earth,' often alluded to in fairy superstition. [5] Vide Article 12. [6] Stark, or raving mad. [7] 'Fylit.' [8] The Reformed Religion. [9] 'Fylit be the affyis heirof.' [10] 'Fylit.' Fairyland, (*q. d.* Elf-hame.) See Article 6, &c. [11] 'Fylit.' [12] 'Fylit.' [13] 'Fylit.' [14] Street. [15] 'Fylit.' [16] See Article 12.

that ane ſtout woman com in to hir, and ſat doun on the forme beſyde hir, and aſkit ane drink at hir, and ſche gaif hir; quha alſua tauld hir, that that barne wald de, and that hir huſband ſuld mend of his ſeiknes. The ſaid Beſſie anſuerit, that ſche remembrit wele thairof; and Thom ſaid, That was the Quene of Elfame his maiſtres, quha had commandit him to wait vpoun hir, and to do hir gude.[1]—(21.) Interrogat, Gif euir ſche had ſpokin with him at ane loich and wattir-ſyde? Anſuerit, Neuir ſave anis that ſche had gane afeild with hir huſband to Leith, for hame bringing of mele, and ganging afeild to teddir[2] hir naig at Reſtalrig-loch, quhair thair come ane cumpanye of rydaris by, that maid ſic ane dynn as heavin and erd had gane togidder; and incontinent, thai raid in to the loich, with mony hiddous rumbill. Bot Thom tauld, It was the gude wichtis that wer rydand in Middil-zerd.[3]—(22.) Interrogat, Quhene ſche ſpak laſt with Thom? Declarit, On the morne eftir Candilmes-day laſtwas, quhair ſche ſpak with him, and he tauld hir of the evill weddir that was to cum.[4] —(23.) Interrogat, Gif ſche neuir ſperit, quhat truble ſuld cum to hir for his cumpanye? Declarit, That ſche wald be trublit thairfoir; bot baid hir ſeik ane aſſyis of hir nychtbouris, and no thing ſuld aill hir:—fforder declarit, that ſche ſuld be brocht to Glaſgw, and ſche come in the Biſchopis handis, ſche wald be wele treit, and ſend hame agane.[5]—(24.) Item, the ſaid Beſſie declaris, that the Lard of Auchinſkeyth[6] is rydand with the ffair-folk,[7] albeit he deit ix ȝeir ſyne.[8]

Apud *Dalkeyth*, xx^mo^ *Septembris, anno* 1576.—(25.) Bessye Dunlop being re-examinat, in preſence of the Lard of Quhittinghame and George Auchinlek of Balmanno, and being inquirit, Quhow oft Thom Reid come to hir, or[9] ſche inquirit quhow thai callit him? Deponis, That he com thryis, and that ſche had na power at na tyme, to try or tell ony vthir, in the menetyme, of his cuming. He requirit hir ſundrie tymes to pas with him, and becaus ſche refuſit, he ſchuke his heid, and ſaid that he ſuld caus hir forthink it.[10] Deponis forder, that ſche has ſpokin with him at diuerſe tymes, be the ſpace of four ȝeiris.[11]—(26.) Being inquirit anent the pleuch-irnis, ſtollin fra Henrie Jameſoun and James Baird,[12] depones, That ſche inquirit at Thom Reid, quha declarit to hir, that Gabriell Blak and Geordie Blak in Lokarſyde ſtaw thame, and brocht thame to thair faderis hous, namit Johnne Blak, vpoun ane cuttit gray horſe,[13] on ane Setterday, in the nycht; quhilk ſche tauld agane to the ſaidis Henrye Jameſoun and James

[1] 'Confeſſit and fylit.' [2] *Tether*, or tie to a stake at pasture. [3] 'Confeſſit and fylit.' [4] 'Confeſſit and fylit.' [5] 'Confeſſit and fylit.' *If* she came into the Bishop's hands, &c. See Article 13. [6] In the Record of Retours, Jul. 29, 1629, James Dunlop, advocate, is retoured as heir to Archibald Dunlop of Auchinskeych, '*proavi*,' (*i.e.* his great-grandfather, the father of his grandfather,) in the 20s. lands of old extent of Smythstoun, &c. It is likely, therefore, and more especially so from the coincidence of the name *Dunlop*, that this was the Laird here alluded to. [7] The fairies. See Article 27. [8] 'Confeſſit and fylit.' [9] Before, *ere*. [10] See Articles 4 and 6, &c. [11] 'Confeſſit and fylit.' [12] See Article 12. [13] Grey gelding.

Baird.[1]—(27.) ITEM, deponis that four ȝeir ſyne, or thairbye, ſche ſaw the Laird of Auchinſkeyth, at a thorne,[2] beyond Monkcaſtell; quhilk Lard deit mair nor fyve ȝeir ſyne. Thaireftir, ſche, at the deſyre of the Ladye Auchinſkeyth, inquirit at Thom Reid, Giff ſic ane mann was amangis thame? Quha anſuerit, That he was amangis thame.[3]

ASSISA.

Andro Craufurd of Baithlem,	Henrie Clerk in Cokeydaill,	James Harvye in Kilburnie,
Hew Hommyll in Kilburne,	Johnne Knok in Kilcuſe,	Robert Roger thair,
Thomas Gawand thair,	James Aitkin in Balgrene,	Johnne Boyde in Gowanlie,
Cuthbert Craufurd in Kilburnie,	Johnne Or in Barnauch,	Johnne Cochrane in the Manys of Bar,
Hew Dunlop of Crawfeild,	Thomas Caldwell in Bultreis,	Thomas Stewart of Flafwod.

VERDICT. And immediatlie efter the cheſing and ſwering of the ſaidis perſones of Aſſyis, as vſe is, the ſaid Elizabeth Dunlop, being on pannell, accuſit be dittay oppinlie red in jugement, of the crymes aboue writtin; the ſamin perſounes removit thame ſelffis furth of Court, and altogidder conuenit, and reſſownit on the pointis of the ſaid dittay; and being rypelie awyſit thairwith, and reſoluit thairin; re-enterit agane to the ſaid Court of Juſticiarie, and thair, in preſence of the ſaid Juſtice Depute, be thair deliuerance, pronunceit and declarit be the mouth and ſpeking of Andro Craufurd of Baithleme, ffand and deliuerit the ſaid Elizabeth Dunlop, to be culpable fylit and convict, off the haill pointis aboue writtin, and of vſing of Witchecraft, Sorcerie, and Incantatioun, with Innocatioun of ſpreittis of the devill, continewand in familiaritie with thame at all tymes, as ſche thocht expedient, and thairbye deling with charmes, and abuſing the peple, with hir devilliſche craft of forcerie foirſaid, be the meanis aboue ſpecefeit.

SENTENCE. 'CONUICT, AND BRYNT.'

NOTE. Unfortunately, the sentence has not been recorded at length in the Books of Adjournal; but the terms of it most probably were, that she should be carried to the Castle-hill of Edinburgh, and there '*wirreit at ane ſtaik*,' and thereafter her body to be 'brynt in aſſis,' and her whole moveable goods 'eſcheit, and inbrocht to the kingis vſe.' There is merely a marginal marking on the Record, such as was usual at that period, viz. 'Conuict, and brynt,' and there is no reason to suppose that the sentence was mitigated.

[*Alexander Bannatyne, Justice-Depute.*]

Umbesetting of the High-way, &c.

NOV. 16.—JAMES WITHIRSPUNE of Brighous.

Dilatit of the vmbeſetting[4] of the hie gait to Williame Park younger in

[1] 'Confeſſit and fylit.' [2] The 'thorne' here alluded to, was a fairie's trysting-tree or imp-tree. Thorns have ever been favourite trysting-places, as well for lovers as 'brownies,' and 'the guid wichtis,' or 'guid nichtbouris.' [3] 'Confeſſit and fylit.' See Article 24. [4] This is usually rendered in the Record, *obsidiatio vici regij*, a besieging, obstructing, or besetting of the high way.

Lynlythgw, and ſchutting of him with ane piſtulet in the rycht ſid, to the grit effuſion of his blude; committit the xxviij day of March laſtbypaſt.—Continued to Dec. xix; 'Plegio, Roberto Levingſtoun de Weſtquarter.'

Breaking Lock-fast Places—Theft, &c.

Nov. 16.—Williame Burrell, ſeruand to Dauid Clerk in Dyſert.

Dilatit of the thiftuous vpbreking of ane lokfaſt kiſt, being within his ſaid maiſteris hous in Dyſert, in his abſence, he haiſing the credit and keping the ſaid Dauid his maiſteris hous, in the menetyme; and ſteling, conceling, and away-taking fra the ſaid Dauid, thiftuouſlie, furth of the ſamin, of I^c. pundis[1] money of this realme, and diſponing vpoun ane pairt thairof at his pleaſour; committit in the moneth of October laſtbypaſt.

The quhilk cryme of thift the ſaid William Burrell confeſſit in preſence of the ſaid Juſtice-Depute, and haill perſounes of Aſſyis.

Verdict. The Aſſyiſe, be reſoun of the ſaid Willeames awin Confeſſioun, ſſand and delinerit the ſaid William to be culpable of the cryme aboue writtin, and convict yairof.—'Convict. et Suspen.'

Deforcing of a Messenger.

Nov. 20.—Patrik Gordoun of Brakny and Patrik Hunter, burges of Abirden.

Dilatit of the deforceing, at the leiſt ſtopping of Mr Gilbert Buchane, meſſinger, in executioun of his office, &c.

Prelocutouris for the pannell.	Persewaris.
Mr Alexander Skene,	Mr Gilbert Buchane, meſſinger,
Maiſter Thomas Craig.	Mr Robert Creychton, aduocat.

The Juſtice, be interloquitour, finding the mater and cryme quhairof the perſounes on pannell are accuſit, to be ane allegeit deforcement, at the leiſt ſtopping of ane officer in execution of his office; ordanis the ſamin firſt to be ciuilie diſcuſſit.

Field of Langside—Slaughter.

Nov. 26.—George Mowtray of Markinche.[2]

Dilatit of the treaſonable cuming to the field of Langſide, aganis our ſouerane lord and his hienes auctoritie royale, and vmquhile his darreſt vncle, James Erle

[1] L.100. [2] 'Plegiis, Dom. de Awdie juniore, Will. Hammiltoune de Portmanno, Will. Blacader de Taiſſis et Joh. Seytoune de Pitmedie. Plegios devenerunt, conjunctim et diviſim, ſub pena bis mille librarum.' This case was, on Nov. 3. remitted to the Justice-air of 'Fyffe, tertio Itineris vel super premonitione xv dierum.'

of Murray, Lord Abirnethie, &c. Regent to his hienes and of this realme and liegis for the tyme, of gude memorie, the xiij day of Maii, the ȝeir of God, 1568 ȝeiris, and flauchteris committit thairat, &c.

PERSEWAR, Mr Robert Creychtoun, aduocat.

ASSISA.

Henrie Lord Sinclare,
Dauid Barclay of Cullarnye,
The Lard of Anſtruthir,
The Lard of Balgonie, younger,
Florence Auchmowtie, in Dunfermling,
Thomas Grundefoun of Kyngaſk,[1]
Johnne Borthuik of Gordowniſhall,[2]
Alex. Monypennye of Kynkell,[3]
The Lard of Balfour,[4]
The Lard of Balcaſkye,[5]
The Lard of Carflogie,
Dauid Carmichaell of Balmadie,
Robert Strang of Kildrymmie,
The Lard of Baram,
Robert Betoun, brother to the Lard of Balfour.

Proteſtis Mr Robert Creychtoun, aduocat, that in caiſe the Aſſyis acquit, for wilfull errour, &c.

The ſaid George Mowtray of Markinche, aſkit inſtrumentis of his diſaſenting to onye continewatioun of this mater; and that he deſyris the perſounes of Aſſyis, preſentlie to cognoſce thairin, and nocht to pas away vnreſoluit.

ABSENTIS AB ASSISA Domini de Markinche.

Magnus Sincler bruder to the Lord Sincler, Dauid Durie of that Ilk, Alex. Inglis of Inglis-Tarvit, Johne Kuninghame younger of Barnis, the young Laird of Torrye, James Henderſoun of Fordell, Dauid Betoun of Creycht, James Mowbray of Pitlouer, Andro Klapene of Pitcorphy, the Lard of Orrok of that Ilk, Alex. Sibbald of Rankelour-over; ilk-ane of thame amerciat to the pane of xl pundis, for non-comperance vpoun the ſaid Aſſyis.[6]

THE ſamin day, the Lard of Cullarnye become ſouerte for Henrie Lord Sincler; the Lord Sincler for Cullernye; Carflogye for Anſtruther; Florence Auchmowtie for the Lard of Balgonye; Balgonye for the ſaid Florence; Gordowniſhall for Carflogye; Cullarnye for Balmadie; Balcaſkye for Robert Strang; Balgonye for Baram; the Lard of Balfour for Robert Betoun, with the reſt aboue writtin; ilkane for vtheris, vnder the pane of I^c. pundis,[7] to re-entir the xviij day of December nixttocum.

Hamesucken — Oppression — Theft, &c.

Dec. 1.—JOHNNE MUNTGUMRIE of Scottiſtoun, Walter Muntgumrie, his broder,[8] and Robert Kent, ſeruand to the ſaid Johnne.[9]

The ſaid Walter Muntgumrie proteſtis, that the continewatioun of the ſaid mater to the third day of the Air, or ſoner, &c., preiuge nawyiſe the regalitie of Glaſgw, quhairin he duellis.

The ſaid ROBERT KENT, dilatit of airt and pairt of the crymes vnderwrittin, conteuit in our ſoueran lordis lettres, purcheſt be Hew Muntgumrie of Heſilheid, Marioun Sempill his ſpous, Mr Dauid Borthuik of Lochhill, and Robert Creych-

[1] Plegio, Kynkell. [2] Plegio, Carflogie. [3] Plegio, Anſtruther. [4] Plegio, Rob. Betoun. [5] Plegio, Rob. Strang. [6] 'NOTA. Yis vnlaw nocht to be gevin furth, in reſpect of ane ſufficient nowmer of Aſſyis gottin.' [7] L.100. [8] Plegio, Johanne Spreull de Ladyemure, pro his duobus. Vid. Jan. 29 and 31, 1576-7. [9] 'Acquit.'

toun of Eliok, Aduocattis to our fouerane lord, for his hienes intereft: Quhilkis lettres makis mentioun:

Dittay *against Robert Kent.*

That vpoun þe xix day of Julij laftbypaft, vmq^le Gabriell Muntgumrie, broder to Johne Muntgumrie of Scottiftoun, being cumit to the place of Hefilheid, and being offendit be ane cuff,[1] allegeit gevin be þe faid Marioun Sempill to Robert Kent, feruand to þe faid vmq^le Gabriell; and feing the tyme wald nocht ferue to tak reuenge at that time, of his former confauit malice; he depairtit in his rage, and confauit hatrent[2] that nycht, to the place of Thridpart, in Giffing, thre quartaris of ane myle diftant fra the faid place of Hefilheid, or þairbye; quhair, he having menit[3] himfelf vnto his faid brodir, quha was þair at buirding, off þe difpleafour, as he allegit, done to his faid feruand, and fchame vnto himfelf; the said Johne Muotgumrie, reprocheing him of his febilnes, þat he tuke nocht than prefentlie ane reuenge þairof; exhortit, entyfit, and houndit him furth þat fam nycht, to þe effect eftir following: Quha immediatlie þaireftir, þat famin nycht, come to þe faid place of Hefilheid, at xj houris in þe nycht, and awaitit befyde þe famin, in þe hous of Alexr. Knok quhill[4] þe morne þaireftir, quhilk was þe xx day of þe faid moneth of Julij; and than returnit to þe faid place, to tak reuenge of þe faid Hew, as he in quhais place þe faid iniurie was allegeit committit, and of þe faid Lady, allegeit committer of þe famine, by way of deid, as he mycht: And fwa þe faid vmqhile Gabriell, vpoun þe hounding, furthfetting and counfale of þe faid Johne Muntgumrie, his broder, and of his caufing, command, art, part, affiftance, and ratihabitioun, vpoune prouifioun, foirthocht fellonye, hid hatrent, precogitate malice, and be way of Hamefuckin,[5] accompaniet wt þe faid Robert Kent his feruand, come to þe faid place of Hefilheid, in þe morning, vpoun plane purpois to haif flane þe faid Hew and his faid fpous; and finding þe ȝett of þe faid place oppin, and cuming up þe ftare þairof, to haif endit and performit þair foirfaid wickit interpryis, enterit in þe hall of þe famin, and finding þe faid Ladye oppining ane lockit bowall,[6] and na perfoun with hir þairin bot ane lafs, the faid Robert Kent pullit hir doun be þe hair of þe heid bakwart to þe ground, and ftraik and dang hir wt his nevis[7] and feit, diuerfe mony fair bauch[8] ftraikis, quhairwith þai haif brufit and brokin hir bowellis, þat fche is neuir abill to confaif barne agane, and is and has been verie evill difeafit þairwith fenfyne; and all þe tyme þe faid Robert was ftrykeand hir, þe faid vmquhile Gabriell ftude with ane bendit piftulet[9] in his hand, haldand þe mouth þairof to þe dure þat cummis fra þe propir chalmer of þe faid Hew to þe Hall, thinking þe faid Hew fuld haif cummit in at þe hall dure to releif his faid wyfe, quhen he hard hir cry; quhairby þe faid vmquhile Gabriell mycht haif fchot him at þe incuming of þe dure foirfaid:—And becaus, þat throw þe crying of þe faid Marioun, þe effray[10] raife within þe faid place, fwa that þe faid vmquhile Gabriell and Robert perfauit it was nocht tyme conuenient, and was impoffible to þame to execute þair malicious and wickit intent and purpois aganis þe faid Hew, quhom þai intendit to haif flane; and fering, þat his feruandis within þe faid place, fuld hane conuenit and focht ane reuenge of þe foirfaid iniurie done vnto his faid fpous, paft furth of his faid place, and lokit þe tour ȝet[11] þairof outwith behind þame, and tuke þe key of þe famin away with þame: And nocht content þairwith, þai thiftuullie ftall and away tuke, ane fair blak bafoun[12] hors fra þe faid Hew, furth of his landis of Balgray, þe faid xx day of Julij laftbypaft; quhairvpoun þai raid to þe faid place of Thridpart, quhair þai wer reffauit in þair foirfaid thiftuous deidis be faid Johne Muntgumrie, wt plane ratihabition and mantenance of all þair wickit interpryfis and executionis þairof: And ȝit, þe faidis perfounes, nocht content wt þe

[1] A slap or slight blow, as with the palm of the hand. [2] Hatred, rancorous ill-will. [3] Made known his grievance, *bemoaned*, complained. [4] Until. [5] A violent attack made on a person in his own dwelling. [6] Perhaps for *bole*, a small cupboard, or opening cut out of the solid wall, so frequently met with in ancient buildings,—a '*hole-in-the wa'*.' [7] Fists. [8] Violent, deadly, or unmerciful blows. The word also implies shameful, filthy, dishonourable, &c. [9] A pistol on full cock. [10] Alarm, hue-and-cry. [11] Tower gate, on the outside. [12] Probably the same as '*bawsonit*,' having a forehead marked with white.

ſchamefull offencis committit be þame in maner foirſaid; ſeing þe ſaid Hew, eftir þat he had brokin þe lokkis of þe ſaid tour ȝett, to follow on horſeback, for reconering of his ſaid black hors; and cuming to þe ſaid place of Thridpart, quhairin he was aduerteiſt þat þai war enterit with þe ſamin hors, þe ſaid Hew having depeſcheit[1] his tua ſeruandis, quhilkis onlie he had with him at þat tyme, to viſſie and ſe about þe ſaid place of Thridpart, gif his ſaid hors was careit ony farder away or nocht, and he his ſelf lychtand his alane at þe ȝet þairof, to ſe gif his ſaid hors had bene þair; the ſaid Johune Muntgumrie and þe ſaid vmq^le^ Gabriell his broder, haiſing ſene ane reddye occaſioun and tyme conuenient to þame to execut þair foirſaid creuell intent and wickit interpryis, befoir conſauit and precogitate be þame, and to defend þair ſchamefull and thiftuous deidis foirſaidis, and to poſſes þe geir conqueiſt be þame as ſaid is, mett þe ſaid Hew at þe ȝett of þe ſaid place of Thridpart, with piſtulettis and drawin ſwerdis in þair handis, and þair ſett vpoun him, and ſchamefullie, crewallie, and vnmercifullie, alſweill befoir his face as behind his bak, invadit him for his ſlauchter, and hurt and woundit him on his fillettis,[2] behind his bak, and diuers vtheris partis of his bodye, to þe grit effuſioun of his blude, and left him lyand for deid; and had nocht faillit to haif bled to deid, wer nocht[3] þe grace of God and gude neychtbouris, þat come and careit him hame in plaiddis to his ſaid duelling place.

And, for þe mair bettir peformance of þe ſaid Johne Muntgumreis evill will and conſauit hatrent, aganis þe ſaid Hew, ſeing be Goddis grace he mycht nocht performe þe ſamin of befoir, he þan immediatlie þaireftir reſſauit þe ſaid Robert Kent in hous with him, with þe recent bludie hand; and hes continewallie, ſenſyne, retenit and retenis him in his companie and houſhald; to þe effect þat he may get his foirſaid wickit interpryis of þe ſaid Hewis ſlauchtir mair eaſelie performit: Lykeas, vpoun þe xxvj day of Auguſt laſtbypaſt, þe ſaid Johne Muntgumrie of Scottiſtoun, accumpaneit with þe ſaid Robert Kent and Walter Muntgumrie, his broder, bodin in feir of weir[4] with jakkis, piſtulettis, ſwerdis, buklaris, ſteil-bonettis, and vtheris wappinis, *invaſiué*, come be way of Hameſuckin to þe landis of Nethirtoun of Heſilheid, and ſercheit and ſocht him þairat for his ſlauchtir; and becaus þai culd nocht apprehend him þairat, thai apprehendit James Paterſoun his ſeruand, kepand his hors yairvpoun, and chaiſt him furth of þe ſaidis landis to þe ſaid Hewis place of Heſilheid, to þe effect þat in cais he had cumit furth of þe ſamin for his releif, þat þai mycht haif bereft him of his lyfe. And þairthrow, þe ſaidis Johne Muntgumrie of Scottiſtoun, Walter Muntgumrie, his broder, and Robert Kent, committand oppin, manifeſt and vyld oppreſſioun vpoun þe ſaid Marioun, and crewall bludeſhedding vpoun þe ſaid Hew, vpoun ſett purpois, prouiſioun, foirthocht fellonye, precogitate malice, and Hameſuckin[5]; and alſua thift and reſſett þairof, in maner aboue written. As þe ſaidis lettres at lenth beris.

Persewaris.
Marioun Sempill, Ladye Haſilheid,
Mr Robert Creychtoun, aduocate.

Prelocutouris,
in perſute of the ſaid Robert for the haill crymes lybellit.
Mr Robert Muntgumrie, capitane,
The Lard of Braidſtane.

Prelocutour, in perſute of the haill crymes lybellit, except the thift.
Johune Sempill of Beltreis.

Prelocutouris, in defence of the ſaid Robert for the haill crymes, except the thift lybellit.
Johune Muntgumrie of Scottiſtoun,
Eduard Maxwell of Tynwall, Mr Alex. Skene,
Gabriell Sempill, younger of Cathcart.

The ſaidis prelocutouris, in defence of the ſaid Robert Kent, aſkit inſtrumentis, that thai will nocht inſiſt in his defence, for the thift lybellit, bot for the remanent crymes onlie.

The ſaid Robert Kent tuke inſtrumentis, that Marioun Sempill, Ladye Heſil-

[1] Dispatched, *despescher*, Old Fr. [2] The fleshy part of the thigh, next the loin; Fr. *filet*, so termed from the number of sinews which that part covers. The word is still in use in a certain sense, e.g. a *fillet* of veal. [3] Had it not been for the grace, &c. [4] In warlike array.

heid, Capitane Robert Muntgumrie and the Lard of Braidſtane, inſiſtis in his perſute of the thift and vtheris lybellit.

Assisa, *prefati Roberti Kent.*[1]

Johnne Rois of Haning,	Alex^r. Wilſoun, in Treerne,	Charlis Mowat of Buſbie,
Thomas Steuart of Gauſtoun,	James Dunlop of that Ilk,	Johnne Somervell of Cambuſnethene,
William Kneland of that Ilk,	Johne Dunlop of Hapland,	Johne Schaw of Grenok,
Neill Muntgumrie of Langſchaw,	William Dik, in Gymithill,	The Lard of Rais-Logane,
Hew Muntgumrie of Auchinhude,	Johne Steill, younger, in Monyakeris,	Thomas Stevinſoun, in Treerne.

And immediatelie eftir the cheſing, ſwering, and admitting of the ſaidis perſounis of Aſſyis, and accuſing of the ſaid Robert Kent, be the Letteris of Dittay foirſaid, in thair preſence; the ſaid Mr Alex^r. Skene, prelocutour foirſaid, in name of the ſaid Robert, denyit *ſimpliciter* the ſaid dittay and lybell, as it is conſauit; ſpecialie, the thiftuous ſteling and away-taking of ane blak baſoun hors fra the ſaid Hew Muntgumrie of Heſilheid, furth of his landis of Balgray; bot that the ſaid Robert onlie fled away thairvpoun to the place of Thridpart, for feir and ſaiftie of his lyfe; and thairfoir, the ſaid Mr Robert Creychtoun, aduocate, in reſpect of the ſaid confeſſioun and notorietie of the caus, proteſtit, giff the perſounes of Aſſyis acquit the ſaid Robert Kent of the Dittay foirſaid, for wilfull errour.

Verdict. The ſaidis perſounes of Aſſyis, for the maiſt pairt, ffand and deliuerit the ſaid Robert Kent to be acquit and innocent of the crymes aboue writtin, contenit in the ſaidis lettres of dittay: Lyke as, thai declarit in iugement in the ſaid Court, and in preſens of the ſaid Juſtice depute, be the mouth and ſpeking of Johnne Someruell of Cambuſnethane, chancillare of the ſaid Aſſyis.—Quhairvpoun, the ſaid Robert Kent aſkit inſtrumentis; and proteſtit for his teſtimoniall, and the panis contenit in the Actis of Parliament vpoun the perſewaris foirſaidis.

Continued againſt the other parties, to the Juſtice-aire of 'Renfrew, tertio Itineris, vel ſuper premonitione xv dierum.'

Slaughter.

Dec. 1.—Patrik Bruntscheillis in Heſilheid, Andro Giffing in Nethir Heſilheid, and James Reid pantreman to the Lard of Heſilheid.[2]

Dilaitit of art and part of the crewall ſlauchtir of vmq^le Gabriell Muntgumrie, broder to Johne Muntgumrie of Scottiſtoun; committit in the moneth of Julij laſtbypaſt; vpoun ſett purpois, prouiſioun and foirthocht fellonye.

[1] This Assise was afterwards tried for wilful error. See Jan. 31, 1576-7. [2] 'Plegio, Adamo Muntgumrie de Brunſtane.'

The ſaidis perſounes aſkit inſtrumentis, that Johnne Muntgumrie of Scottiſtoun and Waltir Muntgumrie his brother (brether to the ſaid vmq^le Hew,) being inquirit be the Juſtice depute, gif thai wald inſiſt in perſute of ye ſaidis perſounes for the ſaid ſlauchtir, declarit, that thai wald pas fra the perſute for the ſamin; And ſiclyke, diſaſſentit to onye continewatioun of the ſaid mater, offering thame ſelfis preſentlie to the knaulege of ane Aſſyis thairfoir.

Continued to the Juſtice-aire of 'Renfrew, tertio Itineris, vel ſuper premonitione xv dierum.'

Treason—Field of Langside.

Dec. 18.—George Multray of Markinche.[1]

Dilaitit of the treaſonable cuming to the feild of Langſyde, aganis our ſouerane lord and his auctoritie royall, &c.

Plegiis, Jacobo Seytoune de Touche, Roberto Wardlaw juniore de Kilbabertoune, ac Joanne Seytoune de Pittady, conjunctim et diviſim: et prefate perſone, ad releuand. Dom. de Touche plegium, coniunctim et diuiſim, ſub pena bis mille librarum:—et Dom. de Seyfeild, ad releuand. reliquos cautionarios.

Absence of an Assisor.

The quhilk day, the ſaid mater continewit agane, at command of the Regent, be the Lard of Cleiſch, to the xv day of Januar, in reſpect of the abſence of the Lard of Kynkell; and thairfoir, the ſaid perſounes of Aſſyis, except the ſaid Laird of Kynkell, become ſouerteis for vtheris, as in the court preceding; vnder the ſamin panis; and the Lard of Anſtruthir becom ſouerte for the ſaid Lard of Kynkell, to compeir at the ſaid day.

Forging and Counterfeiting adulterate Money, &c.

Dec. 29.—Johnne Bell, chepman.[2]

Dilatit of airt and pairt of the treaſonabill forgeing, feinȝeing, falſing, counterfuting; at the leiſt, inbringing of certane fals and adulterate money, ſic as *penneis*, falſlie cuinȝeit and ſtampit; quhilkis wer output be him in grit quantitie, amangis diuerſe our ſouerane lordis liegis, diſſauand thaim thairwith, to the grit hurt of the commoun (wealth) of this realme.

Verdict. The perſounis of Aſſyis, (amongſt whom are Mungo Bradie, James Stalker, Johnne Moſman and *George Heriot*, goldſmiths in Edinburgh,) for the maiſt pairt ffand and delyuerit the ſaid Johnne to be Conuict of the reſſait of fourtie *hardheidis*[3] fals money, and inbringing of thame ignorantlie within the

[1] See Nov. 26, 1576. [2] Chapman, or vender of small wares. [3] *Hardheids, hardies*, or *lions*, formerly of the value of three half pence, but depreciated by Regent Morton to a penny. He also depreciated the *plack* from four to two pence. It need scarcely be remarked, that this was a very unpopular measure.

realme: And Acquit him of all outputting of onye vther fals *hardheidis*, or vtherwyis of reſſait of the *hardheidis* aboue writtin, to be put out wittandlie amangis our ſouerane lordis liegis, for diſſait of thame yairwith.

The Sentence is not recorded.

Convocation of the Lieges—Besieging House of Strechin, &c.

Dec. 31.—Walter Barclay in Bannagook.

Dilatit of the conuocation of our ſouerane lordis liegis, bodin in feir of weir,[1] incontrair the tennour of the actis of Parliament thairanent; cuming about the hous and place of Strechin, aſſageing of the ſamin maiſt auſullie, be ſchutting of culveringis and daggis, and vſing of vthirs weirlyke perſute; and ſwa continewing in aſſageing and perſewing of the ſaid hous and place, fra thre houris in the morning or thairbye, quhill the ſone ganging to;[2] quhill at laſt, be plane force and hoſtilitie, he compellit the perſounes being within the ſaid hous, and keparis thairof, and Johnne Gordoun rebell thairin, to rander the ſaid hous, and to deliuer to him and his complices the ſaid Johnne Gordoune, rebell; and ſwa reft and tuke fra thame the ſaid rebell, vpoun na vthir purpois, bot to ſaif him fra puniſchement and executioun of juſtice vpoun him, for his demereittis: And vtheris crymes, as the lettres beris.

Prelocutouris for this pannell.			Persewar.
The Lord Saltoun,	The Lard of Aſlowne,	The Lard of Corſe,	Mr Dauid Borthuik,
Mr Alexr Sym,	Mr Alexr Skene.		(Lord) Aduocat.

This caſe was continued, firſt to Jan. 1, and afterwards to Feb. 25, 'Plegio, Waltero Barclay de Towye,' when the pannel came in his Majeſty's will. 'Plegio, Magiſtro de Forbes cum ſeipſo, conjunctim et diuiſim, ad ſatiſfaciendum voluntati et partibus conquerentibus; et Waltero Barclay, ad releuand. dict. Magiſtrum de Forbes.' The King's award is not inſerted in the Record.

Theft—Resett of Theft—Sheep-Stealing, &c.

Jan. 8.—Dand Ellot,[3] callit of the Heuchhous.

Dilatit of commoun thift, commoun reſſett thairof, outputting and inputting of thift in thiftuous maner, betuix land and land, bayth of auld and new; and of the ſtealing fra the Lard of Ceffurd of lxxx ſcheip.

Verdict. Fand and deliuerit to be culpabill, fylit and conuict of the crymes aboue writtin.—'Conuict. et Suspen.

[1] Arrayed in warlike manner. [2] Until sunset. The phrase is quite new to the Editor, and is singularly expressive. [3] Dand or Dandy, a familiar abbreviation in the South of Scotland for Andrew, e. g. '*Dandy Dinmont.*'

Demolishing and Overthrowing March-Stones, &c.

Jan. 15.—WILLEAME HAY of Delgatie, Maiſter Walter Hay and Patrik Hay, his breder; Willeame Hay, James Lowrimer, Mr James Buchane, Andro Burnett, George Scott and Alexander Scott.

Dilatit of airt and pairt of the dimoliſcheing and doun-caſting to the ground of certane marcheis and ſtanis, ſett be the Juſtice-Deputies at ane Court of Perambulation; and vſurpation of our ſouerane lordis authoritie, conuocation of his hienes liegis, and vtheris crymes at length contenit in the lettres.

'DESERT.' de mandato domini Regentis, dato Alexandro Hay, ſcribe ſecreti conſilij.

Treasonable Importation of False Money.

Jan. 22.—JOHNNE SUTHIRLAND, Scottiſinan, borne in Culrois.

Being conuict of beſoir, vpoun the aucht day of Januar inſtant, ffor the treſonabill hameſending of certane fals and adulterate money (ſic as *balbeis, plakkis,* and *xij d. peces,* extending to xx lib.,) to be output and warit treaſonablie amangis our ſouerane lordis liegis, to thair diſſait and hurt; and being committit to ward quhill dome wer pronunceit, at the pleaſour of my lord Regentis grace: And thairfoir, his grace, temperand inſtice with mercye, ordanit the ſaid Johne, of his awin conſent, to be baneiſt this realme during his graceis will, and neuir to returne within the ſamin without his licence, vndir the pane of deid and payment of ane thowſand merkis; and that he ſall depart furth of the ſam within the ſpace of fourtie dayis, and ſall do his exact diligence to ſpeir and try out the forgearis, feinȝearis and deuiſaris of the ſaid fals cuinȝe, and mak report thaireftir of the ſamin diligence to the Juſtis and his deputis, vndir the ſamin pane foirſaid. And for obſerving heirof, fand Williame Huchefoun, cordiner in Edinburgh, Henrie and Alex' Suthirland in Culrois, brethir to the ſaid Johnne, &c.

Convocation of Lieges—Using of Culverings, &c.

Jan. 29.—JOHNNE MUNTGUMRIE of Scottiſtoun, Gabriel Sempill, younger of Cathcart, &c.

Adam Hall of Foulbar becomes pledge for the entry of Johnne Muntgumrie of Scottiſtoun; and the ſaid Johnne, Adam Hall of Foulbar and Andrew Maſter of Sempill, become pledges, jointly and ſeuerally, to enter Gabriel Sempill, younger of Cathcart, Robert Sempill of Craigbait, Gabriel Sempill, his brother, James and Walter Muntgumreis, brothers of the Laird of Scottiſtoun, Bartholomew Muntgumrie, uncle of the ſaid Laird Johne Andirſoun in Walkmylne of Partik, and Robert Kent, ſervant to the ſaid Laird, before the Juſtice or his

deputies, on the third day of the next Juſtice-air of Renfrew and Lanark reſpectively, or wherever and whenſoever it ſhall pleaſe his Majeſty, on premonition of xv days, to underly the law for convocation of the liegis, 'bodin in feir of weir,' againſt the tenor of the Acts of Parliament, and 'umbeſetting'[1] the high way to Hew Muntgumrie of Heſilheid, and for uſing of 'culueringis and piſtulettis;' committed in the month of December laſt,[2] &c.

Wilful error in Assise.

Jan. 31.—Johnne Schaw of Grenok, James Dunlop of that Ilk, and thirteen others.[3]

Dilatit of the wilfull and manifeſt errour, committit in the acquiting of Robert Kent,[4] ſeruand to Johnne Muntgumrie of Scottiſtoun, of diuerſe crymes contenit in the lettres purcheſt aganis him be Hew Muntgumrie of Heſilheid.

Persewaris.		Prelocutour in defence.
Mr Danid Borthuik,	Mr Robert Creychtoun, aduocattis.	Mr Edmund Hay, (aduocate.)

Allegeis the ſaid Mr Edmund for the pannell, acceptand the ſummondis, *in quantum*, nocht grantand ony part of the ſamin; that nothing aucht now to be put to the knawlege of this ſecund inqueiſt, bot onlie the clangeing of this Robert Kent of the allegeit ſhiftuous ſteling of ane hors fra Hew Muntgumrie of Heſilheid, in ſafar as thair is na reſſoun in all the haill ſummondis, allegeing or concludand aganis the Inqueiſt, for clangeing of him of ony vthir point contenit in the ſaid ſummondis: Attour, acceptis the ſummondis, in ſafar as is confeſſit in the ſamin, that the gentill-woman was onlie in the hous hir allane, the tyme of the committing of the allegeit deid.—To the quhilk anſuerit the Aduocattis, that the ſaid allegeance ſuld be repellit, in reſpect of the ſummondis as it is lybellit, berand the Confeſſioun of the partie and notorietie of the caus; and ſiclyke, (*loco quo*) &c.

The perſounes on pannell, nochtwithſtanding the ſaid allegeance, aſkis inſtrumentis, that thai offer thame ſelfis at this day to the knawlege of ane condigne Aſſyis, diſaſſenting to ony continewatioun of the ſaid mater.

The Juſtice, vpoun ſindrie reſſonabill cauſſis, moving my Lord Regentis grace, ordanis the mater to be continewit to the thrid day of the Air, or ſoner, vpoun xv dayis warning; and cautioun to be tane of the perſounes on pannell, for thair entre.

[1] Obſidiatione vici regij. [2] See Dec. 1, 1576. [3] Plegiis, Andrea Magiſtro de Sempill et Dom. de Ernok, coniunctim et diuiſim, pro eorum introitu; et prefate perſone, ad releuand.; ac Dom. de Trearne, obligauit ſeipſum, ad releuand. dict. cautionarios, pro ſuis tenentibus. [4] See Dec. 1, 1576.

Slaughter—Burning of Town of Dornoch.

Feb. 12.—Neill Angussone (MacLeod) in Affent.[1]

Dilatit of art and part of the crewall flauchter of vmq^le Hutcheoun Anguffone his broder, in the Ile of Affent; committit in the moneth of Junij, the ȝeir of God I^m.V^c.lxxv ȝeiris: And for the flauchter of vmq^le Donald McHutcheoun Anguffone, brother to the faid Hutcheoun; committit at the famin tyme: And for the treffonabill byrning of the toun of Dornoch in Suthirland; committit in the moneth of Junij, or thairby, the ȝeir of God I^m.V^c.lxvj ȝeiris;[2] And diuerfe vtheris flauchteris, as the dittay beris, &c.; fpecialie, of Duncane McRorye.

Assisa.

Willeame Suthirland of Evelik,
Johne Hay of Park, (Chancellor,)
Alex^r. Hay, his broder,
Nicholas Rois of Dunfkeith,
Duncan Campbell of Both,
Adam Bell, in Edinburghe,
Thomas Frafer, tutour of Lovat,
Thomas Robefoun, burges of Ed^r,
Johnne Rois, proueft of Narne,
Johne Campbell of Caddell,
Alex^r. Brodye of that Ilk,
James Campbell of Archinglas,
Alex^r. McNachtene of Dundarroch,
Johne Campbell of Innerlevene,
Alex^r. Innes of Crummye.

Mr Robert Creychtoun tuke inftrumentis of the faid Neillis Confeffioun, declaring that his fone Tormot flew the faid vmq^le Hutcheoun and Donald his fone; And that he himfelf was cumand to Ed^r. to fpeik my Lord Regentis grace, and to offer him to nnderly the law, for the faidis crymes, quhan he was tane in the menetyme, be Torquill McCloyde apperand of the Lewis, be the way, and incarcerate. And ficlyke, that he confeffit the flauchtir of the faid vmq^le Duncane McRorie, and that he had his componitour thairfoir:[3] And that

[1] This person, according to Sir Robert Gordon, commanded the country of Assint. He was the fifth son of Angus-more, Laird of Assint. The eldest son, Donald-Caim, died of his wounds shortly after being taken prisoner by the Laird of Lewis, (John McCorquill McLeod,) against whom he had revolted. Tormot, the second son, was slain by his brother Angus-beg, who, in his turn, was slain by his bastard brother Alexander, in revenge of Tormot's death. John-reawich succeeded his brother Angus-beg, (who died without issue,) and governed the country for 16 years. On John's death, he left the government to this Neill-Angus-son; whose younger brother Hucheon, jealous of Neill's prosperity, took him prisoner, and detained him until he forced him into certain terms. In revenge for this act, he killed Hucheon, with his second son Donald, who had come to visit him in the Isle of Assint. 'Wherupon Torquell Conaldagh MacLoyd of the Cogigh purfued the Yle in Affint, and apprehended Neill Anguffone, whom he fent to Edinburgh, where he was executed the yeir of God 1581.'—*Gordon's General Account of Earldom of Sutherland*, p. 263.—Neil left his sons John-reawich and Donald-bane, with three bastards, Tormot, Angus, and Alister. [2] Y Macky of Far 'invaded the cuntrie of Southerland after the death of Earl John, wafted the barony of Skibo, came to the town of Dornogh, and, (vpone fome privat quarrell betuein himfelf and the Morrayes,) being affifted by the Laird of Duffus and his freindis, he brunt the faid toun, the yeir of God 1567, which was then cheiflie inhabited by the Morrayes.'—*Gordon's Sutherland*, p. 150.—This town was a second time burnt after a siege by the Master of Caithnes and Y Mackay, anno 1570, 'in the night feafon, which the inhabitants culd no longer defend; yit eftir the toun was loft, and the cathedrall church brunt, except the fteiple, they held the caftle and the fteiple of the church for the fpace of a weik, the Catteynes continuallie affaulting them, bot in vain without fucceffe.'—*Ibid*, p. 156. [3] *i. e.* Paid his Assythment, and obtained Letters of Slains thereupon.

he was compellit be McKye to pas with him to Dornoch, quhair he and his cumpanye did na thing bot lay on the feildis, &c.—'Conuict. et Decollat.'[1]

Slaughter.

Feb. 14.—Robert Howstoun, broder to the lard of Houſtoun, and forty-ſix others.

Dilatit of art and part of the crewell ſlauchter of vmq^le William Lyndeſay, ſeruitour to James Maiſter of Glencarne, in October laſtbypaſt.

Continued to the Juſtice-air of 'Renfrew, tertio Itineris, vel ſuper premonitione xv dierum.'[2]

Slaughter.

Feb. 28.—Willeame Porterfeild of that Ilk.

Dilatit of art and part of the ſlauchter of vmq^le Johnne Birſbane of Middill Walkinſchaw; committit in the moneth of Maij 1573 ȝeiris.

Continued to the 30th March, Plegio, Domino de New-wark-Maxwell.

Mar. 29.—The Laird of McFarlane and James Flemyng de Kilmacolme, become ſecurities for Porterfeild; and, on the following day,

Mar. 30.—The Laird of Knok becomes ſecurity to preſent him at the Juſtice-air of 'Renfrew, tertio Itineris, vel ſuper premonitione xv dierum.'

Preloquutouris in defence.		Persewar.
Maiſter Johnne Schairp,	Maiſter Thomas Craig.	William Birſbane.

The ſaidis preloquutouris in defence alledgeis, that thair is na cryme committit, in reſpect that the ſaid Johnne Birſbane wes ſlane at the horne, put thairto, be vertew of our ſouerane lordis lettres; and thairthrow, being rebell, for ane treaſonabill cryme: As the lettres of horning, direct thairvpoune beiris, and produceit preſentlie in proces. And ſiclyke, the ſaid Mr Johnne Schairp produceit the generale band of the Sherefdome of Renfrew. Johnne Hammiltoune of Schawtoune, aſkit inſtrumentis of the productioune of the ſaidis Lettres of Horning, and proteſtit that thay be keipit in proces, as euidentis to my Lord Claude Hammiltoune.

Slaughter.

Feb. 28.—Johnne Cwninghame, ſone to vmq^le . . . . . Cwninghame of Clovinbayth, and John Maxwell, broder to Thomas Maxwell of Southbar.

[1] Beheaded. [2] Plegiis, Domino de Glengarnok, Dom. de Houſtoun et Dom. de New-wark, coniunctim et diviſim, pro omnibus, tertio Itineris de Renfrew, vel alubi, ſuper premonitione xv dierum. Et poſtea, viz. xv Feb., Will. Porterfeild de Duchall obligavit ſeipſum ad relevand. dictos plegios, de prefata cautione peniſque omnibus in eadem contentis.

Dilatit of art and part of ſaid ſlauchter. James Sandelandis of Calder, their cautioner, fined 'I^c. markis' for non-appearance of 'ather of the ſaid perſounis.'

Treasonable detaining of the Place of Duchall.

Feb. 28.—WILLIAME PORTARFEILD of that Ilk.

Delatit of the treaſonabill deteining of the place of Duchall, incontrare our ſouerane lordis chairgis.—Plegio, Jacobo Flemyng de Kilmacolme pro ejus introitu, tertio Itineris de Renfrew, vel ſuper premonitione xv dierum.

Fire-raising—Burning Corn.

Apr. 17, 1577.—ANDRO THOMESOUN, in Siluerburne.

Dilatit of the birning of certane coirnes to Mathew Lowrye of Cairnhill.—'CONUICT. ET COMBUST.'[1]

Using and seeking of Inchantments and Witchcrafts.

Maij 4.—EDUART KYNINMONTH alias Lowrie.

Dilatit of vſing and ſeiking of Inchantmentis and Witchcraftis, in the moneth of October I^m.V^c.lxxiiij ȝeiris, quhen ſindrie of his cattell wer ſtrickin with ſeiknes; and vtheris crymes contenit in our ſouerane lordis lettres, purcheſt thairvpoun.—Quo die, Joannes Addie de Deurothane plegius deuenit ad intrandum dictum Eduardum Kyninmonth coram Juſticiario ſ. d. n. Regis ſeu ſuis deputatis, tertio die proximi Itineris de Forfare, vel alibi, vbi et quando placuerit ſue ſerenitati, ſuper premonitione quindecim dierum, ad ſubeundum legem pro frequentacione et vſurpacione Incantacionis et preſtigiarum, lie *Wicheraftis* appellat. alijſque criminibus in literis regiis deſuper direct. ſpecificat. Hec plegiacio capta fuit, de mandato M. Dauidis Boirthuik aduocati.—Et Jacobus Striueling obligauit ſeipſum ad relevandum dictum Joannem Adie, de prefata cautione et penis in eundem content.

Treason—Conspiring the Death of Regent Morton.

May 15.—ADAM QUHYTEFURD, younger of Myltoune.

John Quhytefurd elder of Myltoun, being often called to produce Adam his ſon before the Juſtice, to underlie the law for art and part of conſulting with John Sempill of Byltreis, and treaſonably conſpiring the murther of James Earl of Mortoune Lord Dalkeyth, Regent; committit in the month of January 1575. The ſaid Adam not compearing, the ſaid John as his pledge was amerciated in

[1] Sentenced to be burnt. No part of the procedure in this case is preserved.

the pain of I^c. lib., and Adam adjudged to be denounced rebel, and all his moveable goods efcheated to the King's ufe, as fugitive from the law, for the aboue crime.—Richard Binning, meffenger and officer of the Court of Jufticiary, reports the denunciation on May 18.

Schooting with Pistolets, &c.

May 21.—John Blair of that Ilk, William Blair his brother, Johnne Rois and John Mitchell, his feruandis, Johnne Crawfurd in Birkheid, Johnne C., his fonne, Niniane C. thair, Robert C. in Ryhill, Robert Blair, brother to Williame Blair of Halie, Androw Blair Redare at Dalrye, and eighteen others.

Persewaris, Capitane Thomas Crawfurd, Mr Robert Creychtoun, aduocate, Robert Ker of Kerrifland.

Preloquutouris for the pennall.

Mr Henrie Kynroife,
Mr Dauid Mackill,
James Mure,
The Laird of Cauldwell,
Johnne Maxwell, in Portarhill,
Johnne Blair of Middill Auchinburne.

Preloquutouris, in perfute.

Alexander Hwme, in North Berwik,
Johnne Crawfurd in Camlarg,
Williame Crawfurd of Drumfoy,
Quintene Crawfurd, broder to Cannouris,
Mr Nicoll Elphingftoun.

The pennall afkis inftrumentis of the perfonis comperand and infiftand in perfute.

Assisa.

The Laird of Ferme-Nobill,
Waltare Riddell of that Ilk,
Robert Huntare of Huntarftoun,
The Laird of Skirling,
James Weir of Blakwod,
The Laird of Airnok,
The Laird of Auchincapell,
The Laird of Drumquhaffell,
The Laird of Keir,
The Laird of Dalzell,
Claud Hammiltoun of Colchnoch,
Johnne Cleland of Foffauch,
The Laird of Anneftoun.

Verdict. The Affyife, for the maift pairt, be thair delyuerance, fylis and conuictis *Williame Blair*, brother to the Laird of Blair, of fchutting with piftollettis, of following and chaifing of Thomas Crawfurd and ferwandis for thair flauchteris, vpoune foirthocht fellonie. Item, Fylis the *Laird of Blair*, of following and chafing of the faid Thomas and his ferwandis for thair flauchteris, vpoun foirthocht fellonie, allenarlie. Item, Fylis *Johnne Or* ('Notare,') of the following and chaiffing of thame for thair flauchtaris, vpoune fuddantie.

May 23.—The quhilk day, ... Loird Rois of Halkheid and . . . . . Mure of Cauldwele, become fouerteis coniunctlie and feueralie, for Johnne Blair of that Ilk; and Dauid Blair, zoungar of Adamtoune, and Williame Cuninghame, zoungare of Glengarnok, become fouerteis coniunctlie and feueralie, for Williame Blair, brother to the Laird of Blair, and Johnne Or, notar, ferwand to Glengarnok; that thai and ilkane of thame, fall enter thair perfounes in waird, within the Caftell of Blaknes, or aucht houris at evin,[1] and nocht efcape

[1] By eight o'clock in the evening.

nor eſchew furth thairof; ay and quhill he (they) be relevit; viz. of the ſaid Laird of Blair, vnder the pane of Fyve thowſand pundis; and for the ſaidis Williame Blair and Johnne Blair, or ilkane of thame, vnder the pane of Twa thowſand pundis. Et Dominus de Blair ad relevandum.

Fire-raising.

Jun. 14.—Johnne Crawfurd of the Schaw, Hew and Johnne, his ſonnes, Patrik, Jokie and James Crawfurds, ſumtyme ferwandis to Hew Loird Somervell.

Dilaittit of the treſſonabill fyir-ryſſing and burning of ane byir pertening to Johnne Boiſwall of Auchinlek, and vtheris crymes contenit in the lettres direct thairvpoun.

Persewar, Johnne Boiſwall of Afflek.

Preloquutouris for the pennall.

Maiſter Dauid MacGill,	The Auld Laird of Carmichaell,	Archibald Dowglas, conneſtable,
The Laird of Trabroune,	Johnne Crawfurd of Camlaige,	Allane Cathcart of Carbelſtoune.

Continued 'in craſtinum.' Plegio, Hugone Kennedie.

Jun. 15.—The pannell aſkit inſtrumentis, that the Laird of Auchinlek compeirand, diſafentit to the perſute of thame; and nochtwithſtanding the Juſtice command anent the continewatioune of the ſamin, diſafentit thairto alluterlie.

Treason.

Jun. 15.—Johnne Sempill of Beltreis.[1]

Dilaittit of the treſſonabill Conſpiracie of my Lord Regentis Graceis ſlauchtare.

Assisa.

George Dundas of that Ilk,	W. Wauchope of Nuddre-Marchell,	Hew Weir of Howburne,
Johnne Roiſe of Swanſtoun,	Johnne Roſe of Suanſtoune,	Johnne Bannatyne of Corhous,
Johnne Towris of Inuerleyth,	Johnne Fairlie of Colmeſtoune,	James Rig of Carberry,
Johnne Logane of Cotfeilde,	The Lairde of Merchiſtoune,	The Lairde of Anſtruther,
Johnne Kinkaide of Warreſtoune,	The Lairde of Dunroder,	The Lairde of Sant Menanis.

Verdict. Johnne Simpill of Beltreis, being preſentit and enterit in jugement vpoune pannell, as dilaittit of the treſſonabill cryme eftir ſpecifeit; at lenth mentionat in the dittay maid thairvpoune; was put to the knawlege of ane Aſſyiſe of the perſonis befoir expreſſit: And immediatlie eftir the cheſing and ſweiring of the ſaidis perſounes of Aſſyſe, as vſe is, the ſaid Johnne Sempill being accuſit be dittay, oppinlie red in jugement, togidder with his depoſitionis and confeſſionis of the crymes following. The ſame perſounes of Aſſyiſe remo-

[1] On the margin of the Record, 'Convict, and the dome of foirfaltour pronunceit aganis him.'

veit furth of Court, and altogidder conuenit and reſſonit on the poyntis thairof; and being ryplie auiſit thairwith, enterit agane in Court: And thair, in preſence of the ſaid Juſtice depute, be thair delyuerance, pronunceit and declairit be the mowth of Robert Lyndeſay of Dunrode; ffand and delyuerit, that he wes culpable, fylit and conviet of airt and pairt of the maiſt treſſonable communicatioune, conſultatioune and conferans, had be him, in interpryſing, diuiſing, concluding, treſſonablie vndertaking and conceling, to ſla, ſchwt and cruellie murthour, the rycht nobill and michtie Prince, James Erle of Mortoune, Loirde Dalkeyth, &c., Regent to our ſouerane loird, his realme and liegis; planelie conſenting and conſaving the ſamin murthour and ſlauchtar, maiſt treſſonablie and diſſaitfullie, in his hairt and mynde; ordaining the ſamin to have bene ſuddanlie committit, efter his ſaid treſſonabill conferance foirſaid, quhilk wes in the moneth of Januare or thairbye, the ȝeir of God I^{m}.V^{c}.lxxv ȝeiris; doand thairby that was in him, to haif performit the ſamin, conforme to his deliberat intentioune, treſſonablie deuyſit and precogitat, as ſaid is; lyke as, he had nocht faillit to haif put the ſamin to full pruif of executioune, gif God, of his infinit mercy and grace, be his vthir meanis and inſtrumentis, had nocht revelit the ſamin, and put ſtay thairvnto: And ſwa, he hes committit oppin and manefeſt treaſoune aganis our ſouerane loirdis darreſt Regent and his hienes auctoritie; and aucht thairfoir to be pvneiſt as ane publict tratour to his Maieſtie; in example of vtheris, to attempt the lyke treaſonabill conſpiraceis, in tyme cuming: Quhilk conſpiracioun and conferance thairof, in treſſonabill maner foirſaid, was vſit be the ſaid Johnne, within the Kirk and Kirkland of Paiſlay, and vther places of the cuntrie appointit to that effect, in the moneth aboue specefeit, and ſindrie vtheris tymes thairfoir, as he thocht meit and expediant.—And the dome of foirfaltour was pronunceit aganis him be the mouth of Andro Lyndeſay, dempſtare, That he ſuld be takin to the mercat-croce of Edinburgh, and thair demanit as ane tratour; and all his landis, takis, ſtedingis, rowmes, poſſeſſiones and gudis to be foirfaltit and eſchete to our ſouerane loirdis vſe.

[*Mr Thomas Gilbert, Justice-Depute.*]

Mutilation.

Jun. 26.—Robert Striueling, in Eiſtare Baldrochane.

Dilaittit of the hurting and wonding of Johnne Binning, meſſinger, in his rycht ſchuldare and collar-bane.

Quo die Dominus de Kinkaid, ſenior, plegius devenit, ad intrand. Robertum Striueling, tertio Itineris de Dunbartane, vel alubi vbi et quando placuerit ſue ſerenitati, ſuper premonitione quindecim dierum; ad ſubeundum legem, pro arte et parte leſionis ac vulneracionis Joannis Binning nuncij.

[*Mr Thomas Bannatyne, Justice-Depute*]

Oppression—Intercommuning with Rebels.

Jun. 29.—DAUID GRAHAME of Fyntrie, knycht, Waltare Grahame and James Grahame, his brether.

Dilatit of the taking of Johune Pegot, and intercommoning with Robert Belouch[1] (Betoune) of Wefthall, rebell, and vtheris crymes.

PRELOQUUTOURIS in defence.		PERSEWARIS.
The Erle of Mwntroife,	The Maifter of Gray,	Maifter Robert Creychtoune,
The Lard of Balfour,	The Dene of Glafgw,	Mr Dauid Borthuik,
Mr Alexander Sym,	Mr Alexander Skene.	Aduocates (to our fouerane lord.)

ASSISA.

Gilbert Ogilbye of that Ilk,	Ceorge Gray of Scheilhill,	Dauid Roffie of that Ilk,
Thomas Fotheringhame of Powrie,	George Drummond of the Blair,	Dauid Lindefay of Edȝell,
Alex^r Guthre of that Ilk,	Robert Durhame of the Grange,	D^d. Guthre, feare of Kincaldrum,
George Haliburtoune of Petcure,	Henrye Gutbere of Coleftoune,	The Laird of Auchinlek,
Robert Erfkyn, feare of Dun,	George Somer of Balȝordie.	Alex^r. Lauder of Winmoquhe.

Dauid Grahame, &c., war put to the knawlege of ane Affyife, of the perfonis befoir expreffit; and immediatlie eftir the chefing, fweiring and admitting of the fame perfounes of Affyife, as vfe is, the haill foirnemmit perfounes on pennall, being accufit be dittay, oppinlie red in jugement, of the crymes following; eftir repetitioune of the Act of Parliament, maid anent connocatioune of his hienes liegis, at tumultis, courtis or gadderingis; as alfwa, with atteftatioune maid for wilfull errour, in caice the fame perfounes on pennall war acquit of the faidis crymes: Maifter Alex^r. Sym, preloquutour for the fame pennall, eftir denyall of Dittay, and crymes thairof, produceit ane wryting fubfcryuit be vmq^le Johune Peget in Bannabeith, declairing the defendaris to be innocent of all cryme committit to the faid Johne, and that he was onlie moueit be malice of vtheris perfonis to perfew the fame: Quhilk wryting the faid preloquutour and perfonis on pannell, defyrit to be red in jugement, befoir the perfounes of Affyife; quhilk being red in their prefens, as was defyrit, be the faid Mr Alex^r. Sym, as preloquutour foirfaid, afkis inftrumentis thairvpoune.

Mr Robert Creychtoune, aduocate, nochtwithftanding productioune and reiding thairof, proteftit the fame fuld nocht be as motyve vnto the Affyife, nor ȝit credit to be trew in the felf; and diffafentit it fuld be red or publeift ony forder to the Affyife, in the tyme of the reffait of thair woittis;[2] but that the famin fuld be gevin agane to the pairte; quhilk, at command of the Juftice-Depute, was gevin be the clerk of Court to their preloquutouris.

[1] Called Betoune in an after part of the trial. [2] When they retired to return their verdict.

Verdict. The fame perfounes of Affyife, be thair delyuerance, pronunceit and declarit be the mouth of Dauid Lyndefay of Edȝell, Fand and delyuerit, for the maift pairt,[1] the faidis haill perfounes accufit on pannell, to be clengit and acquite of all cawfing, hounding, fending, arte, pairtaking, command, affiftance and ratihabitioune vfit be thame, in the moneth of October, the ȝeir of God lxvij (1567), in cuming to the duelling hous of the faid Johnne Pegot, in Balnaboth, within the fcherefdome of Forfare, quhair he was than, in quyat and fober maner, beleveand ne harme nor iniurie to have been done to him, be ony perfonis, bot to have levit vnder Goddis peax and our fouerane loirdis; and thair, violentlie, maifterfullie and perforce, tuke the faid vmq^le Johnne furth of his awin duelling hous of Erlis Stradichtie, quhair the faid Dauid and remanent perfonnes foirfaidis, of his fpeciall cawfing, hounding, fending, deuyfing, arte, parte-taking, affiftance and ratihabitioune, as faid is, detenit and held him in captiuitie thairintill, be the fpace of viij dayis or thairby thairftir; committand thairthrow, manefeft oppreffioune vpoune him, hie being our fouerane loirdis frie liege; and vfurpand of his hienes auctoritie vpoune thaime, in hie and manefeft contemptioun thairof.—For the quhilk cryme the faid Sir Dauid Grahame of Fyntrie, knycht, and his colligis foirfaidis, being callit to haue vnderlyne the law, befoir the Juftice or his Deputtis, in the Tolbuyth of Edinburghe, the tent day of Februare, in the ȝeir of God I^m.V^c. lxvij ȝeiris, was then replegeit[2] to the fredome and jurifdictioune of the Regalitie of Killimuir,[3] be vertew of ane Commiffioune of the nobill and potent lord, Archebald Erle of Angus, Loird of the Regalitie thairof; quhais bailleis vfearis and producearis of the faid Commiffioune thane fand cawtioune for dew and faithfull adminiftratioune of juftice vpoune the faidis perfounes, for the faidis crymes, in the toune of Kelemuir, place vfit and wont for haulding of Courtis thairintill, the viij day of Maij nixt thaireftir, in the ȝeir of God I^m.V^c.lxviij ȝeiris, quhilk was affignit thairto be the Juftice and his Deputtis: At the quhilk day, ane Court was fencit, within the faid toune of Keremuir, place vfit and wont for haulding of Courtis within the fame: And albeit the faid Dauid and his collegis foirfaid comperit, ȝit in refpect of the trubles quhilk occureit within the realme, for the tyme, juftice thane culd nocht be miniftret in the faid mater; but wes continewit to the laft day of Junij nixtocum thaireftir; and at that day continewit to the xxvij day of Julij nixt thaireftir following; and cawtioune tane for thame to entir that day: Vpoune the quhilk twentie fevin day of Julij foirfaid, compeirit Johnne Ogilwye of Inuerquharratie, knycht, and James Scrymegeour of Glafwall, bailleis of faid Regalitie in that pairt, within the faid toune of Keremuir; and thair, at the faid place, vfit and wont for haulding of Courtis thairintill, fencit and held Court in dew tyme of day, thinkand to have proceidit to the adminiftratioune of juftice in the faid mater: In the meintyme, the faid Dauid Grahame of Fintrie, knycht, getand knawlege thairof, and vnderftanding him giltie of the faid cryme, and nawayis willing to compeir and vndirly the law thairfoir, joynit him with vmq^le George Erle of Huntlie, Dauid Erle of Crawfurd, James Loird Ogilbye, quhilkis throw his perfuafioune and counfale, parte-taking, deuyfing, affiftance and ratihabitioune, togidder with the faid Dauidis felf and his complicis, in proper perfoun, with conuocatioune of the Kingis liegis, to the nowmer of ane thowfand men or thairby, boddin in feir of weir with fwordis, jakkis, fteil-bonettis, fpeiris, culveringis and vtheris wappiunis, *inuafiue*, incontrair the tenour of the Actis of Parliament, come to the faid toune of Keremuir, the faid xxvij day of Julij, the ȝeir of God I^m.V^c.lxviij ȝeiris, and ftoppit the haulding of the faid Court, and all adminiftratioune of Juftice thairin; caufing the faidis bailȝeis, thair clerk and vtheris memberis of Court, for feir of thair lyvis, to ryfe and depairt thairfra, the famin Court being dewlie fenceit[4] of befoir, as faid is: And nocht onlie ftoppit the haulding of the faid Court, bot thai intendit

[1] By a majority. [2] At this period, Lords of Regalities, &c., had a right to demand the person of any criminal, resident within the bounds of their Regality, on finding security, that justice should be lawfully administered. This was termed, being repledged, or *replegeit*. It was a fruitful source of injustice and oppression, and was often employed to frustrate the ends of Law. [3] Kirrymuir. [4] A forensic term, still used in our Criminal Courts. Before proceeding with the trial, an officer proclaimed that the business of the Court was now commencing, and interdicting all manner of persons from disturbing their proceedings. This was called *fencing*, q. d. defending or protecting the Court against all intrusion or molestation.

purpoiſſie, of verrie malice, to have bereft the ſaidis Judgeis, and vtheris convenit and affiſting thame in ſettiog fordwart of juſtice the ſaid day, of thair lyvis: Lyke as, in deid, the ſaid Dauid, accumpaneit as ſaid is, than inuadit, followit and perſewit thame for thair bodelie harme and ſlauchter; leveand na thing that micht have brocht his wickit and vngodlie interpryſe to effect, and had nocht faillit to have performit the ſame, gif God had nocht provydit remeid.—And als, the ſaid Dauid Grahame of Fyntrie, knycht, and his brethir foirſaidis, daylie, monethlie, owkle and continewalie, at thair pleſour, in the monethis of October, Nouember, December, Januare, Februare and Marche, in the ȝeir of God I^m.V^c.lxviij ȝeiris nixt, efter the denunciatioune of Robert Betoune of Weſthall, our ſouerane loirdis rebell, for the cryme vnderwrittin, quhilk wes vpoune the xxiiij day of September, the ȝeir of God I^m.V^c.lxviij ȝeiris; and ſiclyke, daylie, monethlie and continewalie, in all the monethis or thairby nixt and immediatlie following the ſaid denunciatioune, intercommonit, reſſet, ſuppleit, ſchew fauouris, gaif meit, drink, hous and herberie to the ſaid Robert Betoun of Weſthall, within the ſaid Dauidis places of the names Erlis Stradichtie, Fyntrie, and borrowis of Dundie, Forfare, Brechin and diuerſe vtheris pairtis of the realme quhair thai thocht maiſt expedient, the ſaid Robert being ordourlie denunceit our ſonerane loirdis rebell, and put to his hienes horne the tyme foirſaid, in default of finding of ſouertie to have vnderlyne the law beſoir the Juſtice or his deputtis, in the tolbuyth of the burghe of Edinburghe, the viij day of November, the ȝeir of God I^m.V^c.lxviij ȝeiris, for arte and pairt of the cruell ſlauchtare of vmq^le James Ramſay, tutour of Lawis, committit in the moneth of September immediatlie preceding; and vtheris crymes contenit in the lettres raiſit thairvponne, and remaining vnder the proces of horne during the ſaid baill ſpace, incontrair the tennour of the Actis of Parliament; in hie contemptioune of our ſonerane loirdis auctoritie and lawis.

Vpoune the quhilk purgatioune and pronunciatioune declairit in jugement, the ſaidis Sir Dauid Grahame of Fyntrie, knycht, and his foirſaid brether, aſkit inſtrumentis and proteſtit for thair teſtimoniallis.

[*Mr Thomas Gilbert, Justice-Depute.*]

Witchcraft, &c.

Oct. 24.—Violat Mar, in Kildeis.[1]

Dilaitit of the vſing of Sorcerie, Witchcraft, and Intantatioune, with Inuocatioune of ſpreittis, at the tymes contenit in the ſaid Dyttay.

Assisa.

Williame Drummonde at the myll of Nab.	James Drummond in Auchtirardour,	George Drummond, alias Gawir, in Strageyth,
Johnne Grahame, appeirand of Calandare,	Johnne Drummond of Pitkennectie,	Andro Millar in Balloclochargye,
Dauid Murray of Galdwall,	Dauid Murray in North Kynkell,	Johnne Anderſoun thair,
George Marchell of Inuerpethie,	Johnne Drummond in Layonoch,	Patryk Murray in Auchtirtyr,
George Drummond of Ballock,	Hew Merſchell in North Kinkell,	Johnne Drummond, in South Kinkell.

Verdict. The ſaid Violat conuict be Aſſyiſe, of the poynt of Dittay contenit in hir awin Depoſitionis and Confeſſioun, maid of hir treſſonabill vndertaking, to put down my Lord Regentis Grace[2] with Witchcraft, at the tyme and place contenit in the ſam Depoſitionis.—Item fylit, for ane commoune vſare of for-

[1] On the margin of Record, 'Conuict.' Keldeislands lay within the barony of Methven, Perthshire, where there was a chapel called Keldeis.

[2] James Earl of Morton, Lord Dalkeith, &c.

cerie, libbis[1] and charmes ; and abuſare of the pepill, aganis the lawis of God and manne.

Absen. ab Assisa.—Malcum Drummond of Bordland, Gilbert Moyll in Alloquhy, Androw Ramſay in Pittincleroch, Patrik Maxtoune of Cultoquhy, Patrik Drummond of Moinzie.

It is much to be regretted that the 'poyntis of Dittay,' and the Declarations and Confession of this personage, are not preserved in the Record. There is no doubt, from the singular respectability of the Assise or Jury, that she must have been of superior rank.—Although her conviction is recorded, the Justiciary Clerk has not marked the sentence on the margin as usual. It had likely been referred to the Lord Regent and Privy Council ; and when pronounced, omitted to be inserted in the Record.

Slaughter.

Nov. 13.—George Bruntfield, alias callit *Cutluge*.[2]

Dilatit of the ſlauchtare of vmq^le George Ingis. 'Decollat.'

Slaughter and Murder.

Feb. 5, 1577-8.—Thomas Trumble and Waltare Trumble, ſonnes to the Laird of Bedrewle, (Sir Thomas Trumble).

Dilatit of art and part of the cruell ſlauchtare and murthour of vmq^le Johnne Forbes, ſone to Johnne Forbes of Ardmurdocht, committit in the moneth of December or thairby laſt-was, vpoune ſet purpois, prouiſioune, be way of vmbeſetting of the hie gait, vpoune foirthocht fellonie.

Preloquitouris in defence.

Mr Thomas Craig,
The Laird of Cranſtoune,
The Laird of Hunthill,
The Laird of Gledſtanis,
Mark Hwme,
Nicholl Carnecroce.

Persewaris.

Johnne Forbes of Ardmurdocht, fader to the defunct,
Mr Robert Creychtoune.

Prelocutoris in perſut.

Sir James Balfoure,
The Laird of Eggle,
My Laird of Deir,
The Laird of Lowreſtoune,
The Laird of Glenbervie.

Assisa.

Robert Lowſoune of Humbye,
James Kinkaid of the Coittis,
Stevin Kinkaid, in Brochtoune,
Clement Kincaid, in the Coittis,
James Hart, in the Cannogait,[3]
The Laird of Pilrig.[4]

Verdict. 'Acquit ambo.'

Slaughter.

Feb. 26.—Williame Thrisle in Dundie, ſkipar of Nychtingall,

[1] Magical incantations. A.S. *lib-lac*, L. B. *liblacum*, incantatio per fascina, fascinatio. '*Lac*' properly signifies *play ;* thus, '*Lib-lac*' means 'the playing off of magical charms or delusions,' or 'bewitching.' [2] Crop-ear. [3] A relation (father?) of Andro Hart the printer. [4] The remainder of the Assise are feuars, &c.

James Dais, youngare thair, Thomas Broune, in Anſtruther, James Rankene, marinall in Dundie, five others 'marinallis,' and Williame Swane, cuik thair.

Dilatit of art and pairt of the crewall ſlauchtare of vmq^te Robert Watſoun, in Leyth, committit in October laſtbypaſt.

PRELOQUITOURIS in defence.

The Conneſtabill of Dundie,
The Laird Eggell,
The Maiſter of Glammis,
Mr Johune Scharp,
Mr Alex^r. Guthre,
Mr Richard Strang.

PERSEWARIS.

Elizabeth Anderſoun, relict of vmq^to Robt. Watſoune of Leyth,
The thre faderles bairnis,
Mr Robert Creychtoun, aduocate,
James Mowbray of Pitlouer.

VERDICT. On the margin of the Record, 'Omnes ACQUIT, de omnibus infra ſcript.'

Adultery.

Apr. 11.—CUTHBERT AMULLEKYNE of Dempſtartoune.

Dilaitit of the cryme of Adulterie, committit with Elizabeth Hammiltoune, the ſpous of Roger Kilpatrik of Cloiſburne, committit at diuerſe tymes.

PERSEWARIS.

Roger Kirkpatrik of Cloſburn, Mr R^t. Creychtoune.

PRELOCUTOURIS in defence.

Mr Thomas Fermoure, Williame Grahame.

VERDICT. The Aſſyiſe, for the maiſt pairt, conuictis and fyllis this Cuthbert Amullegane, for art and committing of the filthie and abhominabill cryme of Adulterie with Elizabeth Hammiltoune, ſpous to Roger Kirkpatrik of Cloiſburne, conuerſand his bodie with hir in the ſame filthie act, within the place of Cloiſburne, diuerſe and ſindrie tymes, preceding lawfull admonitiounis maid to him to abſtene thairfra, quhilk was the aucht day of March, the ȝeir of God I^m.V^c. lxxvj ȝeiris (1576-7). As alſwa for his committing of the ſame filthie and abhominabill cryme of Adulterie with the ſaid Elizabeth, diuerſe and ſindrie tymes, within the ſaid place of Cloiſburne, burch of Edinburghe, and partis of the cuntrie in ſindrie houſſis and chalmeris thairof, ſence the tymes of his confeſſioun of the ſame, and repentance maid thairfoir, and ſence the tyme of lawfull and dew admonitioune maid be him the day foirſaid, and vtheris dayis and tymes ſpecifeit in the teſtimoniall gevin thairanent. AND conuictis him alſwa of the thiftuous ſpending, waiſting and putting away of the ſaidis Rogeris guidis and geir, during the ſame ſpace and tymes, quhill he vſit in maner foirſaid to hant and converſe with the ſaid Elizabeth, in the ſaid Adulterie. In witneſſe heirof, the Chancellare, in name of the reſt of this Aſſyiſe, hes ſubſcriuit this delyuerance with his hand.

NOTE. Sentence of punishment is afterwards pronounced, see Feb. 18, 1578-9.

[*Mr Alexander Bannatyne, Justice-Depute.*]

Treasonable Slaughter of John Lord Glammis, Lord Chancellor.

Jul. 22.—David Erle of Crawfurde.

Dauid Betoun de Melgound, plegius devenit, ad introand. Dauidem Commitem Crawfurdie coram Jufticiario f.d.n. Regis in preterio burgi de Ed^r., xxiij die menfis Septembris proxime futuro, ad fubeundum legem, pro arte et parte crudelis et proditorie interfectionis quondam Joannis domini de Glammis cancellarij, in menfe . . . . . [1] ultimo elaps., commifs. infra burgum de Striueling; ex veteri inimicitia, certo propofito, prouifione et precogitata felonia commifs.: Secundum formam et tenorem Literarum regiarum defuper direct., et fub penis in Actis Parliamenti contentis. Et hec plegiatio capta fuit de mandato dicti f. d. n. Regis, per ejus Preceptum hac de caufa direct.

(Sic Subfcribitur) David Betoun of Melgound.

(Nov. 4.) The Earl of Craufurde again finds fecurity for his appearance on the ferd day of Marche nixtocum.

Slaughter of Chancellor Glammis.

Jul. 22.—Williame Fowlartoune, junior of Crago, Thomas Strathauchin, brother to the Laird of Bogtoune, and Johnne Scrymgeour, in . . . . . , feruants of the Erl of Crawfurde.

Dauid Betoun of Melgound alfo becomes furety for their appearance on the 13th day of October next.

[*Mr Thomas Bannatyne, Justice-Depute.*]

Slaughter.

Nov. 6.—Williame Stewart and Harie Stewart, fonnes to Andro Lord Ochiltre.

The quhilk day, compeirit Alexander Mowat, fone lawfull to vmq^le Charlis Mowat of Bufbie, quha produceit our fouerane lordis lettres, dewlie execut and indorfat, purcheft be him, and the remanent kyn and freindis of vmq^le Charlis Mowat, aganis William and Harie Stewartis, fonnes to Andro Lord Ochiltre, being fummond be vertew thairof to wnderly the law, for the flauchter of the faid vmq^le Charlis; in refpect quhairof, the faid Alexander proteftit for releif of the fouertie fundin for reporting of the faidis lettres, to this day nixtocum; and tuke inftrumentis of the productioune of the kingis graces lettre and charge, di-

[1] This unfortunate scuffle took place on the streets of Stirling, Mar. 17, 1578, between the followers of the Earl of Craufurd and those of the Lord Chancellor, when Lord Glammis was accidentally slain by a random shot. It is understood that the Earl Craufurd had no immediate concern in this affair.

rect to the Juſtice and his deputtis, for continewatioune of this Court to the thrid day of the Air or ſomer, vpoune xv dayis warning, diſpenſand with the compereance of the ſaidis perſonnes in the Court; As the ſaid charge beiris, quhilk, he proteſtit, ſuld be inſert in the proces: And in reſpect the ſamin was pircheſt be ane ſiniſter informatioune, maid to the Kingis grace, for keiping of the ſaid malefactouris vnpuneiſt or accuſeit be the law, quha ſa cruellie had ſched the innocent blude of the ſaid vmq[le] Charlis, as alſwa to the hurt of him and vtheris perſewaris, in the hindrance of juſtice: Thairfore, the ſaid Alexander proteſtit for remeid, at God and the Kingis grace; and aſkit inſtrumentis of the premiſſes; and that he preſentlie diſſaſſentit to the continewatioun maid be the Juſtice and his deputtis in this Court; and heirvpoune, tuke actis in the handis of me notare publict wnderwritten and ſcrybe of the ſaid Court.

[*Mr Johnne Grahme, Justice-Depute.*]

Administering Poison to her Husband.

Jan. 12, 1578-9.—Helene Colquhoune, ſpous to William Cuninghame of Aket.

Clemant Kinkaid, in the Coittis, oftymes callit to have produceit our ſouerane lordis lettres, dewlie execute and indorſat, purcheſt be William Cunninghame of Aket, and M[ris] Dauid Borthwik of Lochhill, and Robert Creychtoun of Eliok, aduocatis to our ſouerane loird, to tak ſouerte of the ſaid Helene, that he (ſhe) ſould compeir and wnderly the law this day and place, ffor the treſſonabill Miniſtering of Poyſoun to the ſaid William, hir ſpous; committit in October laſtwas: And nocht produceand the ſamin, was thairfore amerciat in the panis contenit in the Actis of Parliament.

Adultery.

Feb. 18.—Cuthbert Amullekin, in Dempſtartoune.[1]

Johnne Hammiltoun, parſoun of Crawfurd, Johnne and Cuthbert Amullekin, ſerwand to my Loird Ruthuene, become ſouerties coniunctlie and ſeueralie, for Cuthbert A. in D., conuict for Adulterie, committit with Elizabeth Hammiltoun, Ladie Cloiſburne, that he ſall depairt furth of this realme, within thre ſcoir dayis, immediatlie eftir the dait heirof, and remane beneiſt furth of the ſamin in tyme cuming: And als, that he ſall abſtene fra the cryme abouewritten, vnder the pane of ane thowſand merkis: And this done at command of ſecreit counſale, be thair precept direct to that effect: Lykeas the ſaid Cuthbert, of his awin conſent and will, reſſaueit the ſaid banieſment.

[1] See April 11, 1578.

Convocation of the Lieges—Making an Abbot of Unreason.

Jun. 23, 1579.—Andro Chalmer in Fyntoray, and five others.

Dilaitit of art and pairt of the conuocatioune of our fouerane loirdis liegis, and making of ane Abbot of Wnressoune; committit in Junij 1578.

Continued to the Justice-air of 'Abirdene, tertio Itineris, vel super premonitione xv dierum.' Plegiis, Richardo Blyth, burgen. de Dundie et M. Will. Chalmer (camerario) de Lundoris (portionario de Fyntray) coniunctim et diuisim; et omnes persones ad relevand.

Slaughter.

Jun. 23.—Andro Gibsoun in Fyntrie, Andro Chalmer thair, and seven others.

Dilaitit of art and pairt of the cruell slauchtare of vmq^le^ Allestare Reid, alias MacHenrie; committit in August lastwas.

Continued to the said Aire of Abirdene, with the same persons as cautioners.

Mr Will. Chalmer, chalmerlane of Lundoris, as baillie of the Regalitie of L. produces ane Commissioune of Replegiatioune, subscryuit be the Abbot of Lundoris; and protestit that the said continewatioune be nawise prejudiciall to the priuilege of the said Regalitie, &c.

Slaughter.

Jun. 27.—Johnne Broun of Carsleuch.

Johnne Lord Maxwell amerciated in sforty pounds, for non-production of Johnne Broun of Carsleuch before the Justiciar or his deputies, to underlie the law, for art and part of the slaughter of James MacCulloch of Barholme; committed on the 17th day of April last.

Jun. 27.—The samin day, Johnne Gordoune of Barskeoch, oftymes callit to have produceit our fouerane loirdis lettres, dewlie execute and indorsat, purcheft be Elizabeth Kirkpatrik the relict, bairnis, kyn and freindis of vmq^le^ James MacCulloch of Barholme, &c.

Besieging House of Warriston, &c.

Jul. 10.—Alexander Dalmahoy of that Ilk, William Dalmahoy his brother, Johnne Dalmahoy his fader brother, Johnne Wilsoune, Johnne Reidheid, William Reidheid his sone, Allane Gilchrist, William Duchell.

Dilaitit of the assieging of Williame Somerwell in Wareistoune, within his duelling place of Wareistoune; and vtheris crymes, at lenth contenit in the lettres direct thairvpoune; committit in Junij 1578.

This mater continewit be the Kingis Maieftie, be ane Precept, produceit be Johnne Somervell, meffinger, to the twentie day of Auguft nixtocum ; and tuke inftrumentis of the productioun of the famin.—' Plegiis, Domino de Fawfyde, pro Dom. de Dalmahoy ; et Dom. de Dalmahoy, pro reliquis omnibus.'

Forging of Adulterate Money, Hardittis.

Jul. 31.—Johnne Mayne, burges of Edinburghe, now duelland in Birraine, in Norway, Bergen.

Dilaitit of art and pairt of the forgeing, fenȝeing and prenting of certane fals and adulterat money, viz. fals hardittis ;[1] committit ten ȝeiris fyn or thairby.

Prelocutouris in defence.		Persewaris.	
Mr Johnne Scharp,	Mr Thomas Craig,	Mr Robert Creychtoune, aduocat,	
James Mowbray,	Williame Downie.	Williame Mylne, Scottifman, duelland at Birraine,	
		Thomas Baill,	Robert Meluile.

Thomas Cok, (merchand in Edinburghe,) chancillare, afkis inftrumentis in his awin name, and in name and behalf of the reft of the perfonis of Affyife, that thai haive deponit and gevin thair delyuerance according to thair knawlege and confcience vpoun the fycht of the peicis produceit ; and in refpect that they haif na notorietie nor fure knawlege of the deid it felf, nor na fuffecient tryell or probatioune verefeit in writ be the perfewaris ; that thairfoir thay incure na denger nor cryme be Affyife of Errour, or ony vtherwayife : And proteftis to this effect, that the decreit vfeit be the defendare, togidder with the haill writtis produceit in proces, be regiftrat in the bukis.

' *Follows the Teftimoniallis*[2] *and writtis produceit be the faid Johnne Mayne in his defence,' viz.* (1.) From the Council and Senators of Bergen, in favor of Mayne and Helen Bowman his wife, Maij 26, 1578.—(2.) Ane vther Teftimoniall from Birraine, Jun. 8, 1578.—(3.) The King of Scotlandis Teftimoniall, direct to the Toun of Birraine, Sterlini, Julij 28, 1578.—(4.) Ane Teftimoniall direct from the burghe of Edinburghe, Jul. 15, 1578.—(5.) Ane decreit gevin befoir the Loirdis (of Counfale), Jul. 24, 1579.—(6.) Ane Teftimoniall gevin be the Toun of Inuerkething, Julij 30, 1579.—Then follow ' Copies of the writtis and Teftimoniallis produceit be Williame Mylne aganis the faid Johnne Mayne,' being five in number. The Record on this cafe is clofed by the infertion of a Teftimonial of innocence granted by Colin Earl of Ergyle, Lord Campbell and Lorne, Juftice-General of Scotland, Jul. 31, 1579, in favor of Johnne Mayne of the whole crimes charged againft him in his Dittay.

[1] *Hardheids* or *lions*, formerly of the value of three half-pence, but depreciated by Regent Morton to a penny, which caused much discontent. The *plack* also was depreciated by him from four to two-pence. [2] These documents are preserved at length in the Record.

Justiciar within the Bounds of Athol appointed.

Nov. 12.—Johnne Erle of Athoill produceit ane Commiſſioune of Juſticiarie, gevin to him be our ſouerane loird, wnder the Grit Seill, makand him Juſtice within the boundes of Athoill: And deſyrit that his aith mycht be acceptit, &c.

Slaughter.

Nov. 17.—Mergaret Lindesay, Ladie Kerſbank and Maiſter James Fotheringhame hir ſpous.

Dilaitit of art and pairt of the cruell ſlauchter of vmq Katherene Fothringhame, ſpous to James Page in Aberlamnay; committit in Februar laſtwas.

Prelocutouris in defence.

Maiſter Johnne Schairp, aduocat, My Loird Inuermeith, The Maiſter of Forbes, The Maiſter of Caſſillis.

'Acquit.'

Besieging House of Warriston, &c.

Nov. 20-21.—Alexander Dalmahoy of that Ilk, and ſeven others.[1]

Dilaitit of the aſſeiging of William Somerwell in Warieſtoune, and vtheris crymes at lenth contenit in the lettres direct thairvpoune; committit in Junij 1578; ſpeciallie, for beiring and ſchutting of culveringis at the ſaid place, with conuocatioune, &c.

Persewaris.

Williame Somerwell, in Wareiſtoune, Mr Robert Creychtoune, aduocat.

Prelocutouris in defence.		Prelocutouris in perſuit.
The Laird of Ormeſtoune,	The Laird of Trabroune,	The Lairde of Covingtoune,
The Laird of Bonytoune,	The Laird of Ernok,	The Laird of Dalyell, youngare,
Mr Johnne Scharp,	Mr Thomas Craig.	James Somerwell.

Verdict. All Acquit of the crymes put to the knawlege of Aſſyſe, viz. of the ſchuting and beiring of piſtollettis in the moneth of Julij, and thaireftir cuming to the hous and aſſeiging thairof, and ſchuting of piſtollettis thairat, and hurting and wonding of Barbara Barrie, &c.

Incest and Adultery.

Jan. 15, 1579-80.—Elisabeth Prestoun, ſiſter to the Ladie Borthuik.

Dilaitit of the crymes of Inceſt and Adulterie; committit with the Loird Borthuik, at ſindrie tymes, contenit in the lettres.

Verdict. 'Acquit.'

[1] See Jul. 10, 1579.

Incest and Adultery.

Jan. 15.—MARGARET SCOTT, ſiſter to the Ladie Borthuik.

Thomas Borthuik of Mediltoun is amerciated for the non-appearance of Margaret Scott before the Juſtice, &c. to underlie the law for the crimes of Inceſt and Adulterie; committed with William Lord Borthuik, huſband of the ſaid Dame Grizell Scott, her ſiſter, 'et procreatione filii ad eundem Dominum Borthuik,' &c.

PRELOCUTOURIS in defence. PERSEWAR.
Mr Dauid McGill, Mr Johnne Preſtoune. Maiſter Robert Creychtoun, aduocat.

ASSISA.

James Hoppringill, in Hoppringill, James Rig of Carbarrie, Robert Trumble, in Heriot mylne,
Johnne Hoppringill, in the Murrois, (Chancellor,) Robert Deware,
James Hoppringill, in the Bow, The Laird of Fawſyde, Thomas Adinſtoun, in Carcant,
Richard Schankis, burges of Edr. Willeame Cranſtoun of Ladyſyde, The Laird Meggot.
Patrik Hoppringill, in Edr. Johnne Turnebill, in Symintoune,

Incest and Adultery.

Jan. 15.—DAME GRISSELL SCOTT, Ladie Borthuik.

Dilaitit of Inceſt and Adulterie; committit with Walter Scott of Tuſchelaw.

PRELOCUTOURIS in defence. PERSEWAR.
Mr Thomas Craig, Mr Johnne Leirmonth, Mr William Harvie. Mr Robert Creychtoune, aduocat.

ABSENTES AB ASSISA Elizabeth Preſtoune.

James Hoppringill of Quhytebank, The Laird of Elphingſtoune, elder, The Laird of Ormeſtoune, The Laird of Trabroune, The Laird of Hermeſtoune.

'DESERT.'

Poiſoning his Wife—Adultery.

Feb. 15.—ANDRO GLENCORSE, in Peirſtoune.

Dilatit of art and pairt of the Poſoning of Iſſobell Staig, his ſpous; committit twa ȝeiris ſyne, or thairby: AND ſicklyke, for the lying in the filthie cryme of Adulterie with his wyffis moder, callit Helene Bathcate.

VERDICT and SENTENCE. 'Conuict of baith the crymes, and brint.'

Slaughter—Convocation of the Lieges.

Feb. 24.—VTHRED MAKDOWELL, ȝoung Laird of Garthland, and others.

Dilatit of airt and pairt of the crewal ſlauchter of vmqle James Gordoune, ſone of Johnne Gordoune of Barſkeoche, with Convocatioune of the Liegis, bodin in feir of weir, &c., in the moneth of Julij laſtbypaſt.

Hew Kennedie of Barquhennye, allegeit, that na proces aucht to be led aganis him, as cawtioner for the entrie of the ȝoung Laird of Garthland and remanent;

in reſpect, that he is nocht lawfullie chargeit, at his duelling place, albeit it be indorſat, that he was chairgeit at Dawcarrane, quhair his wyff was for the tyme; quhilk is nawyiſe his duelling hous, nor yit was he chargeit perſonalie; and proteſtis, that quhatſumeuir proces be laid in the ſaid mater, that the ſamin be nocht preiudiciall to him as ſouertie foirſaid, and offeris him to preve ſufficientlie, that he duelt in nather of the ſaidis placeis quhair he was chargeit.—Anſuerit Mr Thomas Craig, for the Gudeman of Barſkeoch, that he is lawfullie chargeit, at the place where his wyff duelt for the time, and the law preſupponis the ſamin to be dwelling place; and that thai thairfoir abyde at the executioun of the ſaidis lettres.

Eodem die, Hewgo Kennedie de Barquhennie, ſepe vocat. ad introand. Vthridum Makdowel juniorem de Garthland, Andream MacDowell ejus patrem, Joannem M^c^Dowell de Knokincroſchie, Georgium M^c^Dowell juniorem de Darregillis, Patricium M^c^Dowell ejus fratrem, Gelbertum M^c^-Nelie, vocat. *the Rymour*, Alex. Agnew in Blair, Adamum M^c^Kie in Culinik, Joannem M^c^Dowell fratrem Vthridis M^c^Dowell de Bariarg, Nicholaum MGoune et Gilbertum M^c^Clennoquhen, coram Juſticiaris ſ. d. n. Regis ſuiſve deputatis, predict. die et loco; ad ſubeundum legem, pro arte et parte crudelis interfectionis quondam Jacobi Gordoune filij Joannis Gordoun de Barſkeoch; cum Convocatione ſubditorum dicti ſ. d. n. regis, more bellico armat., contra tenorem Acti Parl., in menſe Julij ultimo, &c.

'Amerciat.' 'Nota. Nocht to be extractit, in reſpect of the Kingis Warrand.'

Falsing of Evidents—Forgery.

Feb. 28.—Johnne Sowtare, notare and meſſinger.

Dilaitit of the falſing of ſindrie euidentis and vſing of falſat; ſpeciallie, for cópeing of James Brounes euident in Dundie, and delyuering to the ſaid James of the ſaid copie falſefeit be him; and the ſaid James awin proper euident to Robert Stewart, the ſaid James aduerſare, quhairin decreit is pronunceit.

Verdict and Sentence. 'Connict of diuers poyntis, and hangit.'

Slaughter of Lord Chancellor Glammis.

Mar. 5.—David Erle of Crawfurde.

Patrik Loird Lindeſay of Byrris, et Dauid Lindeſay of Edzell, fined, for non-production of the Earl of Crawfurde, to underlie the law for the ſlauchter of vmquhile Lord Glammis, Chancellor, and James Johnneſtoune.

Murder—Theft.

Apr. 30, 1580.—Andro Trumbill, ſone to Ekkie of Belſis, and Johnne Young, in the Cames, duellar under the Laird of Minto.

Delaitit of art and part of the cruell and ſchamefull murthour of vmq^le^ Johnne

Hammiltoune of Beneftoun, committit in Januar laftwas; and breking of the faid vmq^le Johnnes kift, and thiftuous fteling, conceling and away taking furth thairof, certane coitis, clokis and vtheris gudis and geir.

VERDICT and SENTENCE. Conuict, baith of the murthour and of the thift, and the faid Johnne Young hangit.—NOTA, This (Andro) Trumbell, fone to Ekkie of Belfis, becaus of his minoritie, the dome nocht pronunceit vpoun him; bot he delayit and delyuerit to Andro Lindefay, to be keipit in waird, as he will anfuer, &c.

Treason.

Maij. 23.—GEORGE BALFOUR, Pryour of Charterhouse.

Compeirit my Loird Thefaurar and the Aduocate, and declairit, that ffor famekil as that, at ordinance of the Kingis Maieftie and Counfale, thai wer ordanit to perfew the faid George Balfoure, Priour of the Charterhous, of certane crymes, for the quhilk he is tane, and ane Affyife fummond to this day; thairfoir afkis inftrumentis, that thai haue done their diligence, and wer reddie to perfew him, conforme to the faid ordinance: And proteftis, in refpect of the abfence of Mr Johnne Grahme, Juftice-Depute, that the occafioune of the ftay of proces this day be imput to him, feing na Court cuid be fenfit without him, nor proces led thairin, conforme to the faid ordinance.

Maij 23.—The quhilk day, in prefence of me Notare publict and witneffes wnderwrittin, comperit George Balfoure, Priour of Charterhous, quha exponit and declairit, that in refpect the Capitane, Conneftable and keiparis of the Caftell of Edinburghe, had enterit and prefentit him in faice of Court, within the Tolbuyth of Edinburghe, conforme to ane Warrand direct to thame thairvpoune: Thairfoir, and in confideratioune of his entrie, he tuik and afkit inftrumentis thairof, that he prefentlie was content to wnderly the law, for al crymes of Treffoune allegeit committit be him, and for the quhilk he has bene this lang tyme bypaft haildin in waird: Offering him, thairfoire, to the knawlege of ane famous,[1] condigne and vnfufpect Affyife; diffafenting of all forder delay or continewatioune of Court thairanent. Quhairvpoune, the faid George afkit inftrumentis, as faid is, in the handis of ane Notare publict, and fcrybe of Jufticiarie, appointit in the Courtis thairof. This was done, day and place foirfaid, before Sir Lwes Ballendene of Auchnowle, knycht, Clerk of our fouerane loirdis Jufticiarie, the Laird of Cleifche, Dauid Lawtie, Hew Tod, with vtheris diuerfe.

[1] Respectable, persons notoriously of good fame.

Falseing, Forgeing, and Feinzeing of Letters.

Jun. 29.—Robert Carmylie, feruitour to vmq^le John Sowter.[1]

Dilaitit of the cryme of falfat, fpeciallie of the falfefeing, forgeing and fenzeing of lettres (of) Arreiftment and the fubfcriptioune-manuall of Gilbert Thornetoune wrytare; and the Kingis Signet thairto of ane vther lettre, vpoune James Adame in Alyth, for payment of vij^xx merkis.[2]

Verdict and Sentence. 'Conuict. et Suspen.'[3]

Murder of the Regents, Murray and Lennox.

Dec. 15.—Arthour Hammiltoune, in Bothwelhauche.[4]

Dilaitit of the treffonable Murthouris of vmquhile James Erle of Murray Regent, committit in the moneth of Januare lxix (1569) zeiris. And ficlyke, for art and part of the treffonable Murthour of vmquhile Mathow Erle of Leuenox.

Assisa.

Johnne Blair of that (Ilk,)
Johnne Cuninghame of Drumquhaffill,
Williame Baillie of Lammingtoune,
Mungo Lokart of Cleghorne,
Gawin Crawfurd of Farme,
Mr Archibald Cuming, feare of Alane Lokart, zungar of Cleghorne,
Cowtre,
W^a. Schaw in Braidroddingis,
Johnne Nowene of Kirvode,
Joh. Gilmour, burges of Glafgw,
Thomas Inchaw in Nethirtoune,
Archebald Douglas of Punfeith,
Johnne Millare in Mylneheuch,
Thomas Baillie, tutour of Jarreftoune,
Gawin Ra in Bothwell.

The faid Arthour tuik inftrumentis, that the Affyife aboue writtin clengeit him of the flauchtaris of the twa Regentis, quhairof he was dilaittit.

The famin day, comperit Mr Robert Creychtoune, aduocate to our fouerane lord, and produceit ane warrand, fubfcryuit be the Counfale, defyring and commanding him to infift in perfute of the faid Arthour Hammiltoune, for all crymes to be layd to his charge, and gevin vp in Dittay vpoune him; quhilk he defyrit to be regiftrat: Quhairof the tennour followis.

SUPPLICATION OF ARTHOUR HAMMILTOUN.

Souerane Loird, Vnto zour Maieftie and Loirdis of Secreit Counfale, humelie menis and fchawis, I, zour feruitour, Arthour Hammiltoune, callit of Bothwellhauch; That quhair, eftir þe affegeing of Hammiltoune, I wes committit to waird within þe Caftell of Dumbartane, quhair I haue remanit continewalie fenfyne, haueing nathing of my awin, bot fuftenit vpoun þe expenffis of my freindis. And now, it hes pleffit zour Maieftie, and ll.[5] charge þe Capitane and Keiparis of the faid Caftell of Dumbartane, to tranfpoirt me, hiddin,[6] to þis toune of Edinburghe, to quhat purpois I knaw nocht; quha hes brocht me heir, quhair I am reddie to abyde the tryall of ane Affyfe prefentlie, for the flauchter and murthour of zour hienes vmq^le fader and Regentis; or then to find cawtioune to entir agane to þat effect, and wnderly all things can be laid to my chairge, vpoune fa mony dayis warning, and wnder fic panis, as zour hienes and ll. pleffis to appoint, I being fred and at libertie,

[1] See Feb. 28. [2] Seven score, or 140 merks. [3] Hanged. [4] There is marked on the margin of the Record, opposite the name, 'Acquyt.' [5] Lordships. [6] By stealth, in a concealed manner.

as the reſt that wes ſuſpect of the lyke offences. Maiſt humelie heirfoir, I beſeik ȝour hienes and ll. that aþer I may be put preſentlie to þe knawlege of ane Aſſyſe for þe ſaidis crymes, or cawtioun may be reſſaueit of me in maner and to þe effect aboue writtin, and ȝour Hienes and ll. anſuer hwmelie I beſeik.

Warrant. 'Apud Halirudhous, xiiij Octobris, anno &c. lxxx° (1580). The Loirdis of Secreit Counſale ordanis the Juſtice Clerk and his deputtis to appoynt ane particulare daye to þis Arthoure Hammiltoune, to wnderly the law, for all crymes can be laid to his charge; and to direct lettres requyring all or ſouerane lordis lieges, be oppin proclamatioun at the mercat croces of Lanark, Glaſgw, Lynlythqw, and vtheris places nudfull, to gef vp Dittay, quhairthrow þe ſaid Arthour may be accuſit at þe ſaid day to be appointit, and iuſtice miniſtrat as accordis. And ordanis þe aduocate to inſiſt in perſuit of þe ſaid Arthour, as he will anſuer þairvpoune.

(Sic ſubſcribitur) 'Mortoun. R. Dunfermeling.'[1]

Arthoure Hammiltoune (then ſtiled 'of' Bothuelhauche) was afterwards reſtored to his eſtate, &c., under the Act 'of the reſtitution of the noblemen and vtheris reſſauit to the Kingis Maieſties favour.' 1581, chap. 21.

The following illustrative documents are excerpted from the Books of the Privy Council of Scotland:

I. Apud *Hammiltoune, decimo Maii, anno, &c. lxxix.* The quhilk day James Robertoun of Ernock become actit and obleiſt as cautionar and ſouirtie for Arthour Hammiltoun, ſone to vmquhile Arthour Hammiltoun of the Heleiſe, to enter and preſent the ſaid Arthour before our ſouerane lord and lordis of his hienes ſecreit Counſale, as the ſaid James ſalbe requirit thairto, vpoune aucht dayis warning, vnder the pane of ane thowſand pundis; and Patrik Hammiltoun, burges of Hammiltoun, obleiſt him and his airis to releiſ þe ſaid James of þe premiſſis, and of all pane and danger that he may incur thairthrow.

(Sic ſubſcribitur) James Robertoun of Ernok, Patrik Hammiltoun, with my hand.

II. Apud *Caſtrum de Striuiling, ſecundo Junii, anno, &c. lxxix.*

SEDERUNT.

Colinus comes Ergadie,	Robertus comes de Lennox,	Robertus comes de Buchane,
Andreas dominus de Vchiltrie,	Allanus dominus Cathcart,	Commendatarius de Cambuſkennethe.

Dunrod *diſchargit of the Lettroun.*[2]

Anent the ſupplicatioun preſentit to our ſouerane lord and his Priuie Counſale, be Robert Lyndesay Dunrod, makand mentioun, that quhair he wes burdynnit be his hienes and his ſaid counſale, to ſerche, ſeik and bring to his Maieſtie, ane Lettrun perteining to Dauid Hammiltoune of Bothuil-hauch, quhairin ar contenit certane writtis; quhilk Lettrun, the ſaid Robert hes brocht and deliuerit, at his Maieſteis command, to Alexander Hay, ane of the ſcribis of the counſale, in preſence of the ſaidis loirdis. In reſpect quhairof, it is neceſſarlie requirit that the ſaid Robert be releuit of the ſame, and diſcharge gevin to him of all intromiſſioun thairwith, and act of counſale to be extendit to that effect: Lykeas, at mare lenth is contenit in the ſaid ſupplicatioun. The Kingis Majeſtie, with auiſe of the ſaidis lordis of his ſecreit counſale, in reſpect of the productioun of the Lettrun aboue written be the ſaid Robert, conform to the command gevin to him to that effect, diſchargis him thairof, and of all pane and danger that he may incur thairthrow for euir.

III. Apud *Halyrudehous, xxiij die menſis Januarij, anno* V^c.lxxx° (1581, new style.) The quhilk

[1] Robert Pitcairn, Commendator of Dunfermling, and Secretary of State, &c. [2] A writing desk, or box for holding writings.

day, Johnne Rofe of Hanyng become actit and obleift, as cautioner and fouirtie for Arthoure Hammyltoun, callit of Bothuilhauch, that the faid Arthour fall contene himfelf as ane faithfull and obedient fubiect to our fouerane lord and his authoritie: and on nawyfe reffett, fupplie, intercommoune, or fchaw fauour to Johnne fumtyme Commendatar of Abirbrothok, and Claude fumtyme Commendatar of Paiflay, nor to ony vtheris thair complices that ar or heirefter falbe declarit rebellis and fugitiues fra the lawis, for the treffonable murther of vmq^le the King, his hienes deareft father, and of the Erlis of Lennox and Murray, his hienes Regentis of gude memorie. And als, that the faid Arthoure fall compeir perfonalie befoir his Maieftie and Lordis of Secret Counfale, as he falbe requirit thairto, vpoun fyfteine dayes warning, vnder the pane of fyve hundreth merkis.

(Sic fubfcribitur) Johnne Ross of Haning.

Murder.

Dec. 15.—Waltare Lawder, ferwand to vmq^le the Lairde of Bafs.[1]

Dilaitit of art and pairt of the crewall murthour of vmquhile Mr James Lawder of the Bafs, his maifter; committit in the moneth of October.

Slaughter.

Dec. 20.—Laurence Lord Oliphant, Arthoure Forbes apperand of Reres, &c. (forty-one others).

Dilatit of airt and pairt of the crewall flauchter of vmq^le Alexander Stewart of Schuittingleis; committit in the moneth ('the fyrft day') of Nouember laftbypaft: ('And for invading of Williame Lord Ruthvene, Thefaurer, for his flauchter,') and vtheris crymes fpecifeit in the lettres produceit vpoun thame.

Preloquitouris for the pannell.	Preloquitouris in perfuit.	Persewaris.
The Laird of Lochlevin,	The Laird of Barnbarroch,	Williame Lord Ruthvene,
The Laird of Cardene,	George Corrie of Kelwod,	Sir Johnne Stewart of Traquair, knycht,
The Laird of Dundas,	W^m. Murray of Lettir Bennettis,	James Stewart in Tinnes, broder to the defunct,
The Laird of Delgatie,	Mr Ro^t. Creychtoune, aduocat.	James Hoppringill of Wodhous.
Mr Johnne Schairp,		
Mr Thomas Craig.		

The quhilk day, eftir chefing of the preloquitouris, alfwele for the pannell as the perfewaris; comperit Mr Johnne Schairp, and afkit inftrumentis of productioune of ane delyuerance of the Lordis of Seffioune, purcheft be Laurence Lord Oliphant, chairgeing him (Mr Johnne) and vtheris procuratouris thairin contenit, to compeir this day and place, and procuir for the perfonis enterit on pannell in thair defence; quhilk delyuerance, he defyrit to be anfuerit and regiftrat in the buikis of Adiornall. Quhilk defyre the Judge thocht reffonable, and ordanit the fame to be regiftrat.

Interlocutor. The Juftice-depute, vpoune certane alledgeancis proponit be the parteis *hinc inde*, continewit this caufe to the morne; and ordanit the perfonis on pannell, to find fouirtie for thair

[1] There is marked on the margin of the Record, 'Conuict. et decollat.' The Assise are designed, being all burgesses of Edinburgh, but the procedure is not entered.

entrie, to vndirly the law for the crymes forſaid, and vtheris contenit in the lettres direct vpoune thame; quho ffand the Laird of Lochlevin cautioun to that effect.

Dec. 21.—THE Juſtice Depute, in reſpect of the alledgeance proponit be athir of the parteis preloquitouris, and that ane Aſſyſe could nocht be obtenit to my Lord Oliphant, for objectiounis; ordanit the mater to be continewit quhill the morne, xxij day of Nouember, &c.

VERDICT. (Dec. 22.) The Aſſyſe, be thair delyuerance, pronunceit and declarit be the mouth and ſpeking of George Symmer (Somer) of Balzoirdie, Chancillar, ffand and delyuerit the perſonis enterit on pannell and perſewit, to be clangeit, innocent and acquit, of airt and pairt of the crewall ſlauchter and murthoure of vmq^le Alexander Stewart of Schuittingleis, ſchot with ane poyſonit bullet:[1] And of the convocatioun of our ſouerane loirdis liegis, bodin with culveringis, piſtolettis, jakis, ſperis, ſteilbonnettis and vtheris wappinnis *invaſiue*, incontrair the tenour of the Actis of Parliament: And ſiclyke, of vmbeſetting of the hie way to William Lord Ruthvene, Theſaurer, invading of him and his ſeruandis being in his cumpanie, for thair ſlauchteris: With the haill circumſtances thairof libellit, committit vpoun the fyrſt day of November laſtbypaſt, vpoun ſett purpois, proviſioun, auld feid and foirthocht fellonye.

Eftir the pronunceing and declaratioun quhairof, the perſonis on pannell aſkit inſtrumentis, and proteſtit for thair teſtimoniall.

Slaughter.

Dec. 23.—WILLIAME LORD RUTHVENE, (Lord High Theſaurer of Scotland,) James Ruthvene, Alexander Ruthvene, James Ruthvene, callit *Swaddinis Jame*, &c. (ſeventy-nine others.)

Dilatit of airt and pairt of the crewall ſlauchter of vmq^le Johnne Buchane; committit vpoun the fyrſt day of Nouember laſtbypaſt; and vtheris crymes, contenit in the ſummondis.

PRELOQUITOURIS for the pannell.		PERSEWARIS.
My Lord Barnbarroch,	The Laird of Traquair,	Laurence Lord Oliphant,
Mr Alexander Syme,	Mr Dauid McGill,	William Now, officiar,
Mr Johnne Ruſſell,	The Laird of Kelwod.	Mr Robert Creychtoun, Aduocat, pro rege.

Mr Robert Creychtoun, Advocat, produceit ane Precept ſubſcryuit be the Kingis Maieſtie and twa of his hienes Previe Counſell, direct to him, chairgeing him to inſiſt in the perſute of the perſonis enterit on pannell, &c.; quhilk Precept he requyrit to be regiſtrat, quhairof the tennoure followis.

JUSTICE, Juſtice Clark and ȝoure deputtis, and Aduocatt: It is our will and we command ȝow, that incontinent eftir ſycht heirof, ȝe oure Aduocatt perſew þe Lord Ruthvene, vpoune þe lettres riſſin

[1] This is the only instance in the Record of poisoned bullets having been made use of in Scotland.

aganis him to þe xxij day of þis moneth, and continewit to þis day; and ȝe oure Juſtice, Juſtice Clark and ȝoure deputtis, proceid to þe perſuit fordwart to þe putting of my Lord Ruthvene and his ſeruandis and freindis on pannell to ane Aſſyſe, and do juſtice þairin: As ȝe will anſuer to ws þairvpoun; keiping þis for ȝoure warrand. Frome Halyruidhous, þe xxiij day of December 1580.

JAMES R. Lenox, Robert Stewart.

My Lord Oliphant aſkit inſtrumentis, that he paſt fra the perſuit of my Lord Ruthvene and remanent perſonis on pannell, *pro loco et tempore;* and that, in reſpect that Maiſter Robert Creychtoun, Aduocat, wald nocht vſe his informatioun, as he alledgeit. And proteſtit, that quhatſumevir thing the Aduocat did, in the perſuit of thame, ſould nocht prejudge nor hurt his actioune, bot quhen tyme and place ſall ſerue, he may perſew the ſamin, according to the lawes of this realme.

My Lord Ruthvene alledgeit, that he and the reſt enterit on pannell, aucht nocht to be putt to the knawledge of ane Aſſyſe, for bering, wering and vſing of piſtolettis aganis the lait Act of Parliament libellit; in reſpect, he had ane Licence grantit to him, be oure ſouerane lord, ſubſcryuit with twa of the Counſall: Quhilk Licence he produceit, deſyring the ſamin to be inſert, quhairof the tennour followis.

Licence *in favor of Williame Lord Ruthvene, Theſaurer, &c.*

We, for diuerſe reſſonabill cauſſis moving ws, be þe tennour heirof, Gevis licence and power to oure rycht traiſt couſing and counſeleare, Williame Lord Ruthvene, oure Theſaurair, his ſeruandis, pairttakaris and defendaris, in his cumpanie, to beir, weir and vſe bagbuttis, culveringis and piſtolettis, for his and þair defence, aganis his inimeis; nochtwithſtanding oure Actis, ſtatutes and proclamatiounis, maid incontrar; with þe quhilkis be þir preſentes we diſpence: Diſchairgeing oure Juſtice, his deputtis and all vtheris judgeis within oure realme, of ony trubling, calling or perſewing of oure ſaid couſing or his foirſaidis, ciuile or criminall, att ony day or dayes þairfore; inhibiting þame þairof, and of þair offices in þat pairt, be þir preſentis. Subſcryuit with oure hand, att Halyruidhous, þe xxiij day of October 1580.

(Sic ſubſcribitur) JAMES R. Lenox, James Stewart.

The perſones on panell, in reſpect of the Kingis Maieſteis Precept, direct to the ſaid Juſtice depute, wes ordanit to be putt to the knawledge of ane Aſſyſe, of the perſounes following, for the ſlauchter of the ſaid vmq^le^ Johnne Buchane and vtheris crymes, &c.; exceptand the bering, wering and ſchuitting of piſtolettis, quhilk is cuttit away, be reſſoun of the Licence produceit and regiſtrat.

Assisa.

James Lord Inuermaith,	Robert Mure of Cauldwall,	Hew Lord Somerwall,
Allane Lord Cathcart,	Johnne Quhytefurd of that Ilk,	James Erle of Glencairne,
Andro Erle of Rothes,	George Drummond of Blair,	Andro Lord Stewart of Vchiltre,
Gylbert Ogilvie of that Ilk,	W^m^. Cwnynghame of Caprintoune,	Alex. Drummond of Medop,
Patrik Lord Lyndeſay,	Alex. Maiſter of Levingſtoune,	Harye Drummond of Riccartoune.

The ſamin day, the Laird of Caprintoune, being ſchoſin, ſworne and admittit vpoune the Aſſyiſe of the perſonis aboue writtin, enterit on pannell, and

haifing removit him ſelf (furth) of Court with the remanent perſonis of Aſſyis, to deliberat and decyde vpoun the pointis of Dittay, quhairof thay wer accuſit; he re-enterit agane, ſend be the Chancillar of Aſſyſe in the ſaid Court, and in preſence of the ſaid Juſtice depute, demandit of Mr Robert Creychtoun, Aduocat, perſewar, gif he had ony vthir preſumptioun, certaintie or taikin of the crymes lybellit, contenit in the ſummondis, quhairby the perſounes on pannell wer accuſit; quha anſuerit, that he had na thing bot the ſaidis lettres, vndir oure ſouerane lordis ſignet, ſubſcryuit with the clark, togidder with the Kingis Maieſteis Precept, deſyring him to inſiſt in perſuit thairof; vpoun the quhilk anſuer, the ſaid Laird of Caprintoun aſkit inſtrumentis.

The Erle of Rothes, Chancillar of the ſaid Aſſyiſe, re-enterit lyke wyiſe in the ſaid Court, and aſkit inſtrumentis, that the perſounes on pannell wer nocht orderit to be putt to the knawlege of ane Aſſyſe, for bering, wering and vſing of piſtolettis; in reſpect of the Kingis Licence, grantit to thame to that effect; and proteſtit, that the ſaid Licence ſould be anſuerit (inſertit) and regiſtrat in the buikis of Adiornall.

Verdict. And immediatlie eftir þe ſchefing, ſwering and admitting of þe ſaidis perſounes of Aſſyſe, as vſe is, the foirſaidis perſounes enterit to pannell, being accuſit be dittay oppinlie red in judgement, of þe crymes following; the ſaidis perſonis of Aſſyiſe, being altogidder removit furth of Court, and ſyne convenit and reſſonit vpoune þe pointis of þe ſaid dittay; and being rypelie anyſit þairwith, re-enterit agane within þe ſaid Court of Juſticiarie, quhair thay, in preſence of þe ſaid Juſtice depute, be þair delyuerance, pronunceit and declarit be þe mouthe and ſpeiking of þe ſaid Andro Erle of Rothes chancillar, ffand and delyuerit the ſaid Williame Lord Ruthvene, and remanent perſounes nocht repledgeit, to be clangeit, innocent and acquit of þe ſlanchter of vmq^le^ Johnne Buchane, ſeruand to Laurence Lord Oliphant, committit with convocatioune of oure ſouerane lordis liegis, be way of hameſuckin, vpoun þe fyrſt day of Nouember laſtbypaſt, vpoune ſett purpoiſe, prouiſioun, auld feid and foirthocht fellonie; ſeing na verificatioun ſchawin to þame, nor ȝit na perſoun ſwerand þe Dittay.

Upoun the produceing quhairof, the ſaid Williame Lord Ruthvene, Theſaurare, in his awin name, and for the remanent perſonis on pannell, aſkit inſtrumentis.

Slaughter, &c.

Dec. 24.—Laurence Lord Oliphant.

Willelmus Dowglas de Lochlevin, plegius devenit, ad intrandum Laurencium Dominum Oliphant, coram Juſticiario ſ. d. n. regis ſuiſue deputatis, tertio die proximi Itineris Juſticiarie de Perthe, vel alibi vbi et quando placuerit ſuo ſerenitati, ſuper premonitione xv dierum; ad ſubeundum legem, pro arte et parte crudelis interfectionis quondam Alexandri Stewart de Schuitingleis, primo die menſis Novembris ultimo elapſo, ex certo prepoſito, prouiſione et precogitata phelonia commiſs.; alijſque criminibus in literis regiis deſuper direct. ſpecificat.; ſecundum formam et tenorem earundem et ſub penis in Actis Parliamenti contentis.

Theft.

Jan. 6, 1580-1.—Frances Armestrang, ſone to the Laird of Quhithauch, Frances Armeſtrang, ſone to *Sym of Tinnisburne*, Hob Ellot, callit *Ill Rob of Ramſigill*, Quintine Nikſoun, ſone to *Clemmie the Crwne*, Gawin Ellot, ſone to *Scottis Hob*, Thomas Armeſtrang, ſone to *Sandeis Niniane*, Andro Armeſtrang, ſone to *Thom of Gingillis*, William Ellot, ſone to *Jokis Willie*, Hob Ellot of Braidlie, Johnne Ellot, ſone to *Eldar Will*.

Dilatit of certane crymes of thift, ſpecifeit in the Dittay to be gevin in vpoune thame.

Mr Robert Creychtoun, aduocat, aſkit inſtrumentis of the cheſing, ſwering and admitting of the ſaidis perſonis of Aſſyiſe.

The Juſtice-depute, ordanit the perſonis of Aſſyſe, deſiſt and ceiſe, frome all delyuering vpoun the pointis of dittay, red oppinlie in Court; and ſiclyke commandit the ſaidis perſonis on pannell to be committit to waird within the Caſtell and Tolbuith of Edinburgh.

Piracy.

[JURISDICTION OF HIGH ADMIRAL.]

Jan. 10.—Johnne Cokburne in Leith.

Dilatit of certane crymes of Pirraſis (Piracies) att lenth ſpecifeit in the lettres produceit.

The ſamin day, comperit Mr Thomas Gylbert, Admerall-depute to ane nobill lord, James Erle of Mortoun, &c. Grit Admerall; and alledgeit, that the Juſtice aucht nocht to be Judgeis to the ſaid Johnne Cokburne, in reſpect the cryme quhairof he is accuſit is ane ſefairrand[1] mater; and thairfoir, deſyrit the ſaid Johnne to be repledgeit furth of the ſaid Court, to the juriſdictioune, libertie and priviledge of the Admerall, as Judge compitent thairto. Mr Robert Creychtoun, advocat, comperand for the Kingis intres, alledgeit, that the ſaid alledgance aucht to be repellit, in reſpect thair wes na Commiſſioune ſpeciallie to that effect; and albeit thair wer ane ſpeciall Commiſſioune produceit, it ſould nocht be obeyit, becauſe he is fyrſt perſewit heir, *et locus eſt preventioni*. Forder, the deſyre of the Admerall-depute is for hinderance of juſtice, and wes neuer in vſe to repledge ony cauſe from this judgement.

Interlocutor. The Judge continewis the interloquitour vpoun the alledgeances aboue writtin, to the tent day of Februare nixtocum; and ordanit the ſaid Johnne Cockburne to find cautioun for his entrie att the ſaid day.

The ſaid Amerall-depute proteſtit, that the continewatioune of pronunceing of

[1] Seafaring, or maritime cause.

the interloquitoure, be nawayiſe prejudiciall to my Lord Admerallis juriſdictioune, and aſkit inſtrumentis that he diſſaſſentit to the continewatioune of the ſaid interloquitoure.

Feb. 10. Robertus Kirkcaldie, burgen. de Edinburghe, et Willelmus Downie, *alias Laird Downie*, in Leith, plegii deuenerunt, conjunctim et diviſim, ad intrandum Joannem Cokburne in Lethe coram Juſticiario ſ. d. n. regis, ſuiſue deputatis, tertio die proximi Itineris Juſticiarie de Edinburghe, vel alibi, vbi et quando placuerit ſue ſerenitati, ſuper premonitione xv dierum, ad ſubeundum legem, pro arte et parte diuerſorum criminum Piracie et Spoliorum facta, ſuper naues Flandriorum et Gallorum; necnon, pro arte et parte furtive depredacionis ſurreptionis, per modum lie *Piracie*, omnium et ſingulorum bonorum et mercium, extra nauem Flandrorum lie vocat. *Bonaventure*, pertinen. ad Joannem MacMichaell de Larew, Lucam Remont alioſque diuerſos locupletes mercatores in oppido Antuerpie remanen., in menſe Maij vltimo elapſi commiſs.; alijſque criminibus, in literis regiis deſuper direct. ſpecificat.; ſecundum formam et tenorem earundem, et ſub penis in Actis Parl. contentis.

Oppression—Taking Captive and Prisoner, &c.

Jan. 11.—JOHNNE GORDOUN of Blalak, George Gordoun, ſone to James Gordoun of Craigmylne, George Gordoun of Kandmoir, Mr William Gordoun of Dalperſie, James Gordoun of Craigmylne, Thomas Gordoun of Dawane, Alexander Vans of Ruthvennis, Robert Gordoun of Halheid, Andrew Tailzeour in Smiddiehill.

Dilatit of the taking of James Mortymer, apperand[1] of Craigievar, captiue and preſoner, and detening of him within the wod of Kilblene, be the ſpace of ten dayes or thairby; committit vpoun xxvj day of Auguſt laſtbypaſt; and vthiris crymes ſpecifeit in the lettres produceit vpoun thame.

PRELOCUTOURIS in defence.		PERSEWARIS.
Captain James Stewart,	The Maiſter of Seytoune,	James Mortymer apperand of Craigivar,
The Maiſter of Caſſillis,	Mr Thomas Craig, Aduocat,	Mr Robert Creychtoun, Aduocat.
Mr Thomas Buchquhannan,	Mr Johnne Schairp,	(The Erle of [Sutherland] law-borrous[2] ſub pena ter centum mercarum.)

The perſonis on pannell aſkit inſtruments of thair entrie, and proteſtis for releif of thair cautionaris; and that thay war reddie to byde the tryell of the law for the cryme libellit. Aſkis inſtrumentis, that nane perſewis bot zoung Cragyvar and the Aduocat; and that the Lard of Cragyvar declarit, he wald perſew the Lard of Ruthvennis, and the reſt of the pannells.

Continued to the Juſtice-air of 'Abirdene, tertio Itineris, vel ſuper premonicione xv dierum. Plegio, Comite de Sutherland et omnes intrantes ad relevand., pro rato.'

EXPENCES OF PANNELLIS. The ſamin day, the haill perſonnes on pannell proteſtit, that na lettres be grantit in tyme cuming to the perſewar, for calling

[1] Heir apparent. [2] Legal pledge or security, that, in the interim, no injury should be inflicted against the other party.

of thame to vndirly the law, for the crymes libellit, vnto the tyme he find cautioun for ſatiſfactioun of thair expenſſis.

Protestatioun of Assyise. The perſonis of Aſſyiſe, choſin and admittit, ſeing that na ma perſounes of Aſſyiſe could be had to paſs vpoune the intrantis Aſſyſe, proteſtit, in caiſe thai wer ſummond att ony tyme heireftir to paſs vpoune the Aſſyiſe of the ſaidis perſonis, for the cryme libellit, That thay be nocht vnlawit, in reſpect of thair obedience att the preſent; and that thay wer bot puir men, vnneit to paſs vpoun Lairdis Aſſyſſis, and that thay wer drevin to exhorbitant expenſſis be cuming ſa far of.

Slaughter.

Jan. 17.—George Adam, maſoun, ſone to Alexander Adam in Gaſtoune.

Dilatit of airt and pairt of the crewall ſlauchter of vmq^le^ Andro Cuninghame of Forreſterhill, committit vpoun the xxiij day of December, anno 1577. And als, of the ſlauchter of vmq^le^ Johnne Wallace, committit vpoun the ix day of Januar inſtant.

Verdict. The Aſſyiſe pronunceit and declarit the ſaid George Adam culpabill, convict and fylit, of airt and pairt of the crewall ſlauchteris of the ſaidis vmq^le^ Andro Cuninghame and vmq^le^ Johnne Wallace.

Sentence. To be taikin to the Caſtell-hill of Edinburghe, and thair his heid to be ſtrikin frome his bodie; and all his movabill guidis to be eſcheit and inbrocht to our ſouerane lordis vſe; and that dome was pronunceit be Andro Lyndeſay, Dempſtar to the Juſtice.

Murder of King Henry Darnley.

Jun. 3, 1581.—Johnne Bynning, ſeruand to Mr Archibald Dowglaſe, parſone of Glaſgw.

Dilatit of airt and pairt of the treſſonabill paricide, murthoure and crewall ſlauchter of vmquhile Henrie, King of Scottis; committit in the moneth of Februar, I^m^.V^c^.lxvj ȝeiris.

Persewar. Mr Robert Creychtoune of Eliok, Aduocat.

The Juſtice ordanit the ſaid Johnne Bynning to be putt to the knawledge of ane Aſſyſe, for the crymes contenit in Dittay; [by virtue of 'ane Warrand produceit, ſubſcryuit with (by) the Kingis Maieſtie, quhilk the aduocat deſyrit to be regiſtrat.'] This document does not appear on Record.

Verdict. The Aſſyſe, be thair delyuerance, pronunceit be the mouth and ſpeiking of Mungo Scott, (merchand, burges of Edinburghe,) Chancillar creat of the Aſſyiſe, ffand and delyuerit the ſaid Johnne Bynning, fylit and conuict, of

the crewall, ſchameful, treſſonabill and abhominabill ſlauchter and murthour of vmq^le Henrye, King of Scottes, fader to our ſouerane lord, in his awin ludgeing, for the tyme, within the burgh of Edinburghe, beſyde the Kirk of Feild, quhair he was lyand, in his naikit bed, takand the nychtis reſt; treſſonablie raiſſand fyre within the ſamin, with ane grit quantitie of powlder, throuch force of the quhilk the ſaid haill ludgeing wes raiſſit and blawin in the air, and his Grace wes maiſt awfullie and treſſonablie ſlane, murdreiſt and diſtroyit: And als, ffand and delyuerit the ſaid Johnne, giltie, of airt and pairt of the crewal ſlauchter and murthoure of vmq^le Williame Talzeour, and vmq^le Andro McCaig, treſſonablie thruch raiſing of the ſaid fyre, committit in cumpanie with James, ſumtyme Erle of Boithvell, and diuerſe vthiris declarit traittouris, in the moneth of Februar 1566; and of the treſſonabill counſeling and hyding of the ſaidis horribill crymes, committit be the ſaid Johnnis aſſiſtance, at the tyme and place foirſaid.

SENTENCE. For the quhilk cauſſis, the Juſtice, be the mouth of Andro Lyndeſay, dempſtar, ordanit the ſaid Johnne Bynning to (be) tane to the croce of Edinburghe, and thair hangit vpoun ane geibet, and thaireftir demanit lyke ane traittoure.

High Treason.

Jun. 7.—ARCHIBALD ERLE OF ANGUS.

Johnne Cwninghame of Boningtoune, oft tymes callit to haif enterit, Archbald Erle of Angus, Lord Dowglas and Abernethie, &c., before oure ſouerane lordis Juſtice, or his Deputtis, the ſaidis day and place, in the houre of caus, to have vndirlyne the law, for the treſſonabill diſobedience of the command of our ſouerane lordis vtheris lettres; in nocht entering of his perſoune in waird, bezond the watter of Spay, within ſex dayes efter he wes chairgeit thairto; and on nawyiſe to cum be-ſouth the ſaid watter, quhill he wer fred be oure ſouerane lord; and that he ſould ſend ane procuratorie ſufficientlie authoriſit, obleiſſand him to fulfill the premiſſis: Quhilk chairge wes gevin him, vpoun the xviij day of March, 1580 zeiris, be Johnne Broun, meſſinger, vndir the pane of treſſoune; and on nawayis obeyit be him, nathir within the ſaidis ſex dayes, nor zit att na tyme ſenſyne; incurrand thairby the panis of Treſſoun, viz. tinſull of lyfe, landis and guidis, and be extinctioun of his tytillis, fame, honoure and memorie for evir. AND ſiclyke, of his diſobedience of the command of our ſouerane lordis vthiris lettres; be the quhilkis he wes chairgeit, be Johnne Calder, Buit Purſevant and ſheref in that pairt, within conſtitute, vpoune the xxix day of March laſtbypaſt, in oure ſouerane lordis name and authoritie, as kepar, detener and withhaulder of the Caſtell and fortalice of Thomptalloune, to rander and delyuer the ſamin to the ſaid Johnne Calder and Sheref in that pairt, executoure of the

ſaidis lettres, to be kepit be him, in our ſouerane lordis name, during his hienes will, within xlviij houris eftir the ſaid chairge, vnder the pane of treſſoune; with certificatioune to him, and he ſailȝeit, he ſuld be repute, hauldin, eſtemit and perſewit and demanit as ane traittour; and nochttheles, he on na wyiſe obeyit the ſamin chairge, nathir within the tyme foirſaid appointit thairto, nathir ȝitt att na tyme ſenſyne; nochtwithſtanding the ſaid Caſtell and fortalice wes lauchfullie requyrit, be the executour foirſaid of the ſaidis letteris, eftir the outrinning of the ſpace contenit in the ſamin. And rychtſwa, for his treſſonabill diſobedience of the command of oure ſouerane lordis vthir letteris, in nocht randering and delyuering of the Caſtell and fortalice of Dowglas to Johnne Adie, meſſinger, within xlviij houris nixt eftir he wes chairgeit thairto; quhilk chairge wes gevin be the ſaid meſſinger, vpoun the penult day of March laſtwas, in anno 1581; and ſwa, nocht obeying of the ſaid chairge, nathir within the ſpace appointit thairto, nor ȝit att na tyme ſenſyne. And vtheris crymes contenit in the letteris direct thairvpoun, eftir the forme and tennour of the ſamin, and vnder the panis contenit in the Actis of Parliament.

And the ſaid Archbald Erle of Angus nocht comperand, to the effect foirſaid, the ſaid Johnne Cwninghame of Boningtoun, his cautioner, wes vnlawit, for his non entrie to vndirly the law for the ſaidis crymis, the ſaidis day and place, in the panis contenit in the Actis of Parliament, viz. in the pane of ane hundreth poundis. And ſiclyke, the ſaid Archbald Erle of Angus, Lord Dowglaſe, &c., wes adjudgeit in the ſamin Court, to be denunceit our ſouerane lordis rebell, and putt to his hienes horne; and all his movabill guidis ordanit to be eſcheit and inbrocht to his Maieſteis vſe, as fugitive fra his hienes lawes, for the ſaidis crymes.

High Treason.

Jun. 13.—George Dowglas of Parkheid.

Johnne Charterhous of Aimiſſeild, for non appearance of George Dowglas of Parkheid, is vnlawit in the pane of ane hundreth poundis, 'to haif vndirlyne the law, for the treſſonabill diſobedience of the command and chairge of our ſouerane lordis lettres, in nocht randering and delyuering of the Caſtell toure and fortalice of Torthorrell, to Robert Maxwell, meſſinger, ſheref in that pairt,' &c. Dowglas adjudged to be denounced rebell, &c.

Slaughter.

Dec. 9.—Johnne Striueling of Glorat, Johnne Striueling, ȝounger of Craigbernat, Walter Striueling of Ballagane, Louke Striueling

of Baldorane, Alex. Abirnethie in Strablane, and Johnne Striueling, ſervitour to Glorat.

Dilatit of airt and pairt of the crewall ſlauchter of vmq^le Malcum Kincaid, ſone to [James] Kincaid of that Ilk; committit in Junij laſtbypaſt.

PRELOQUUTOURIS in defence.	PERSEWARIS.	PRELOQUUTOURIS.
Mr Dauid McGill, aduocate,	Charles Kincaid, eldeſt ſone to the defunct,	The Laird of Cauldwell,
The Laird of Keir,	James Kincaid, eldar of that Ilk, fader,	The Laird of Blanerne,
The Laird of Blaquhannan,[1]	James Kincaid, ȝounger of that Ilk,	The Laird of Lugtoune.
The Laird of Merkinſtoune, eldar,	Thomas Kincaid, broder,	
The Laird of Knokdolian,	George Kincaid, broder,	
Mr Thomas Buchquhannan.	Mr Robert Creychtoune, aduocat.	

The quhilk day, comperit James Stewart of Cardonall, and produceit ane Precept, ſubſcryuit be the Kingis Maieſtie, and twa of the lordis of Secreit Counſall, direct to the Juſtice, Juſtice Clark and thair deputtis; commanding, that this criminall caiſe ſould be continewit to the tent day of Januar; quhilk wes obeyit, and cautioun ordanit to be found be the defendaris, for thair entrie the ſaid day, in the Tolbuith of Edinburgh, to vndirly the law for the crymes lybellit.

(Jan. 10, 1581-2.)—PRELOQUUTOURIS in defence.

Sir James Hammiltoune,	The Laird of Reſtalrig,	The Maiſter of Sempill,
The Lard of Elphinſtoun,	Mr Dauid McGill,	Mr Thomas Buchquhannan.

The pannell aſkit inſtrumentis, that ȝoung Kincaid, being requyrit, gif he wald perſew thame of thair lyfis; anſweris, that he wald.

Mathew Stewart of Mynto, bailie depute of Eſme Duke of Leuuenox Earl of Darnelie Torboltoune Dalkeyth and Obenȝie, &c. replegiated the pannell to the Regality of Lennox, and aſſigned the 24th day of March following, for adminiſtration of Juſtice.

[*Mr Henry MacCalzane, Justice-Depute.*]

Slaughter near the King's person—Jurisdiction of Magistrates of Edinburgh, Lord High Constable, &c.

Dec. 15.—WILLIAM BIKARTOUNE of Caſch.

Dilatit of bering, wering and ſchuitting of piſtolettis, within thre quarteris of ane myle to the Kingis perſoune, (incontrar the tennoure of the Actis of Parliament and Secreit Counſall;) and ſchuiting of George Auchinlek (of Balmanno) throuch the bodie; committit vpoun the xij day of December inſtant, vpoune ſett purpois, prouiſioun, auld feid and foirthocht fellonie.

[1] Buchquhannane, (Buchanan.)

Preloquutouris for the pannell.		Persewaris.
Mr Alexander Sym,	Mr Henry Balfoure,	Archibald Auchinlek of Cumledge,
The Laird of Durie, younger,	The Laird of Abbotithall,	(broder,)
The Laird of Corftoun,	younger.	Mr Robert Creychtoune, aduocat.

The Juftice, with auife of his Affeffouris, vpoun the alledgeances and aufueris, alfwele proponit yifterday as this day, *hinc inde*, that the deid contenit in Dittay, fould be remittit to the knawledge of an Affyfe; and quhatfumevir thing contenit in Dittay *fuper penam juris*, with the dome, fould be referuit to the Judge, to be pronunceit accoirding to the lawes of this realme.

The faid mater, for laik of Affyfouris, continewit to quhatfumevir day it plefit the perfewar to fummond an Affife thairto.

Dec. 16.—Comperit Mr Alexander Clerk, Prouest of Edinburgh, togidder with Mr Alexander King, aduocat, and declarit that W^m^. Bikartoune had committit the crymes aboue writtin, and committit to thair waird; and in refpect thay ar Shereffis within thaim felffis, proteftit, that the Juftice Court and thair proceding vpoune him fould be nawife preiudiciall. The (Lord High) Constabill proteftit in lyke maner, that in refpect the famin wes committit within the Kingis, &c.

William Bikartoune remittis him felf in the Kingis will for the fchot, quhilk wes done on fuddantie; conforme to the lawis of this realme; and denyis foirthocht fellonie.

The aduocat alledgeit the mater wes done vpoun auld feid and foirthocht fellonie, in refpect of the deidlie feid ftandand vnreconfilit betuix George Auchinlek and William Bikartoune, for the hurting of Archibauld B. his broder, in September laftbypaft; as the Dittay beris.

[*Mr Johne Grahame, Justice-Depute.*]

Dec. 18.—Maifter Robert Creychtoune afkit inftrumentis of productioun of ane new Warrand, direct fra the Kingis Maieftie, fubfcryuit be him felf and twa of his hienes counfall, commanding the Juftice and his deputtis, to putt the faid William to the knawledge of ane Affyfe.

Verdict. The Affyfe, be thair delyuerance, pronunceit be the mouth and fpekeing of Hew Montgumrie of Heffilheid, chancillar, ffand and delyuerit the faid William Bikartoune of Cafche, to be culpabill, fylit and convict of the bering and wering of piftolettis, and of fchuting of George Auchinlek of Balmanno throuch the bodie to the grit effufioune of his bluid, committit vpoune the xij day of December inftant; and ffand him acquit of the doing of the fame, vpoun auld feid, fett purpois, prouifioune, be way of vmbefetting of the hie gait, foirthocht fellonie, and within thre quarteris of ane myle to the Kingis Maiefteis

perſoune; in reſpect, it wes notour to thame, that the Kingis Maieſtie wes furth att the hunting, farder nor thre quarteris of ane myle quhair the deid wes committit, the tyme of the committing thairof.

'CONVICT. et Wardat. in Pretorio de Edinburghe.'

Bearing, wearing, and shooting with Pistolets.

Jan. 8, 1581-2.—ALEXANDER BALMANNO of that Ilk, Petir Balmanno his ſeruand, Henrye Bonar in Lumquhattiſ-mylne, Archibald Bikartoun, broder to the Laird of Caſch.

Dilatit of beiring and weiring of piſtolettis, and ſchuitting thairwith at George Auchinlek (of Balmanno), hurting and wonding of him throw the bodie; committit upoun the xij day of December laſtbypaſt, vpoun ſet purpois, prouiſioun, auld feid and foirthocht fellonye.

PRELOQUITOURIS for the pannell.

The Laird of Elphingſtoune,
The Laird of Tarbat,
Mr Alexander Sym,
The Laird of Colairnie,
The Laird of Abbotiſhall,
Mr Williame Oliphant.

PERSEWARIS.

George Auchinlek of Balmanno,
Mr Robert Creychtoune, aduocat.

PRELOQUITOUR.

Archibald Auchinlek, brothir.

VERDICT. The Aſſyſe, be the mouth of Williame Broune, burges of Edinburgh, chancellare, ffand and delyuerit the ſaidis intrantis, culpabill, fylit and convict of vmbeſetting of the hie gait and paſſage to George Auchinlek of Balmanno, at *the ſtinkand ſtyle* of the burghe of Edinburgh,[1] the xij day of December laſtwas, and thair inuaiding of him for his ſlauchter, and ſchutting of him with bendit piſtolettis, be thame ſelfis, at the leiſt of thair cawſing, art, pairttaking, command, aſſiſtance and ratihabitioune, maiſt ſchamefullie and crewallie throw the bodie, to the effuſioune of his blude, in grit quantitie, in extreme danger of his lyff, and left him lyand for deid, &c.

The Juſtice-depute aſkit inſtrumentis, that the Proveſt of Edinburgh hes reſſauit the pannell of his handis.

Incest.

Mar. 2.—DAUID DUNDAS of Preiſtinch.

Dilatit of the cryme of Inceſt; committit with Jeane Hammiltoune Countas of Eglingtoune, in the monethis of Marche, Apryle, Junij, Julij, Auguſt, September, October, Nouember, December, Januare and Februare I^{m}.V^{c}.lxxij and lxxiij ȝeiris, and continualie ſenſyne.

Continued to the Juſtice-aire of 'Linlythqw, tertio Itineris, vel premonitione xv dierum.' Plegio, Jacobo Campbell de Ardkinles, et ipſe ad relevand.

[1] A passage or close, nearly opposite to Haddo's Hold, or the New North Church, and near the Tolbooth, where the Privy Council usually sat.

Witchcraft—Sorcery, &c.

Jun. 14, 1582.—Williame Gilmour, ſone to Richard Gilmour in Bonetoune Pulquhene.

Dilaitit of the vſing of Wichecraft, Sorcerie and Incantatioune, in the monethis of October and November laſtbypaſt.

Continued to the Juſtice-aire of 'Air, tertio Itineris, vel ſuper premonitione xv dierum. Plegio, Allane Cathcart de Carbiſtoune, ſub duplo penarum in Actis Parl. contentis,' &c.

King's Advocate.

Jun. 14.—Comperit the ſamin day, Mr Dauid M'Gill, Aduocate, and produceit ane precept of the Kingis Maieſteis, ſubſcryuit be his hienes, the Duke, the Erle of Arrane, deſyrand him to ſupplie the ſeiknes of Mr Robert Creychtoun, Aduocate, during the tyme he may nocht travell in his defenſe, requiring the ſamin to be regiſtrat, quhairoff the temour followis:

Mr Dauid M'Gill of Lochcoit, Aduocate, We grit ȝow wele. Forſamekle as, We wnderſtanding, that our belovit Mr Robert Creychtoun of Eliok, our Aduocate, is trublit with infirmitie and euill at eis, quhairby he may nocht inſiſt in perſute or defenſe, in ſic cauſſis as concernis ws: And ſeing, that we haif alredy employit ȝow in his abſence, and that ȝe haif done our command and directioune, quhairin we ar ſatiſfeit: Thairfoir it is our will, and we of new command ȝow, that ȝe ſupplie the place of our ſaid Aduocate, in his abſence, in quhatſumeuir caus concerning ws, befoir quhatſumeuir Juge, within this realme; with full power to ȝow to compeir for our intres, perſew and defend quhatſumeuir day and place neidfull, as ȝe haif done at our command in tyme bigane, vpoun the pane of ȝour obedience. Subſcriuit with our hand, Att Dalkeyth, þe xij day (of) Junij 1582.

(Sic Subſcribitur) James R. Lenox. Arrane.

Justice-Depute.

Jun. 14.—The ſame day Mr Williame Oliphant, Aduocate, admittit Juſtice-depute to my Lord Juſtice-Generale, be his lettre direct to that effect; and thairfoir ſworne to ſerue lelelie and treulie in the ſaid office, during his ſeruice thairin, quhill he be diſchargeit.

Treason—Murder of Henry Darnley, King of Scots, and Regent Murray, &c.

Assessouris to the Justice.

Adame Biſchope of Orkuay,[1] Robert Commendatour of Dunfermling,[2]
Mark Commendatour of Newbottill,[3] Mr Johune Lindeſay, parſoun of Menmuir.[4]

Jun. 16.—George Hwme of Spott.

Dilaitit of diuerſe treſſonable crymes, viz. of airt and pairt of the treſſonabill

[1] Adam Bothwell, an ordinary Lord of Session. [2] Robert Pitcairn, Archdeacon of St Andrews, and Secretary of State to King James VI. He was also at this time one of the ordinary Lords of Session. [3] Mark Ker, one of the extraordinary Lords of Session, &c. [4] An ordinary Lord of Session.

and crwell murthour of vmq^le Hary King of Scottis, fathir to our fouerane loird, committit in Februar lxvj (1566). At the leift, of the treffonabill hyding and conceling of the famin, he haveing foirknawlege thairof, and knawing perfytlie, that Mr Archebauld Dowglas and vmq^le Johnne Bynning his feruand, war actuallie at the committing of the fame. AND for the flauchter of vmq^le Erle of Murray, Regent; and vtheris crymes contenit in the letteris.

PERSEWAR, Mr Dauid McGill as Aduocate to our fouerane lord.

Compeirit Richart Cafe and Jafpart Hwme, as procuratouris for Alex. Hwme of Manderftoune, as informer of the faidis crymes lybellit aganis the Laird of Spott; and defyrit to be admittit procuratoris, conforme to thair Procuratory, produceit thairin.

Compeirit lykewayis James Cuninghame, procuratour for Dame Annas Keyth Countes of Murray, and Elizabet Stewart hir dochter,[1] be thair lettres of Procuratorie fpeciallie conftitut; and produceit the faid Procuratorie, and defyrit to be admittit for his intres.

The Laird of Spott, in refpect Richart Cafe complenis as procuratour for Alex. Hwme of Manderftoune, informant, in this caus, defyres, that lykewayife he may haif preloquitouris admittit for his pairt.

DITTAY *againft the pannel.*

GEORGE HWME of Spott, dilaitit and fummond be vertew of our fouerane loirdis lettres, purcheft be Mr Robert Creychtoun of Eliok, his hienes aduocate, to þis day and place, for airt and pairt, red and counfale, of þe crewall, fchamefull and abhominabill Murthour and flauchter of vmq^le our fouerane loirdis darreft father, HENRY KING OF SCOTTIS, committit in the moneth of Februare, the ȝeir of God I^m.V^c. threfcoir fex ȝeiris, within his awin lugeing, befyde þe Kirk of Feild, vnder filence and clonde of nycht, be treffonabill rafing of fyre within the faid lugeing, with ane grit quantitie of powlder; throw force of the quhilk powlder, þe haill lugeing wes raifit and blawin in the air, and his Maieftie maift treffonablie and awfully murdreift, flane, and deftroyit: At the leift, treffonablie hid and concelit the faid horrible and treffonabill cryme, he haifand foirknawledge þairof, and knawand perfytlie that Mr Archebauld Dowglas, fumtyme parfoun of Glafgw, and vmq^le Johnne Bynning his fer-

[1] This, at first sight, would appear to be a mistake, especially when contrasted with the mention afterwards made of these noble ladies, in another part of the trial. '*Dame Annas Keyth, Countas of Murray,*' was the eldest daughter of William, fourth Earl Marischal, and is elsewhere named Lady *Agnes*, and Lady *Anne* (Annie) Keith; and was the second wife and relict of Regent Murray, to whom she was married in February 1561. She was afterwards married to Colin sixth Earl of Argyle, to whom she bore two sons, Archibald the seventh Earl, and Sir Colin Campbell of Lundie. By her marriage with Regent Murray she had two daughters, Ladies Elizabeth and Margaret Stewart.—Dame Elizabeth was married to James Stewart, son of James Lord Doune, who having, in 1580, got a gift from King James VI. of the Ward and Marriage of the two daughters of the Regent Murray, a few days afterwards wedded the eldest daughter, *Dame Elizabeth Stewart*, and immediately assumed the title of *Earl of Murray*. Lady Margaret was married to Francis, ninth Earl of Errol, and died without issue.

In order to distinguish the mother and daughter, the former was usually styled Countess of Moray and Argyll. She died in June 1588. The husband of Dame Elizabeth is best known in Scotland as '*the Bonny Earl of Murray.*'

uand, was actuallie at the committing of þe ſaid odious and crewall Murthour; and nochtthelcs, keipit the ſamin ſecreit to him ſelf, neuir reveling the ſamin to the hier poweris, þat þai wer the committaris þairof, quhairby thay micht haif bene puneiſt þairfoir. And ſiklyke, for airt and pairt of the treſſonabill and horribill Murthour of vmqle James Erle of Murray, loird Abernethy, &c. Regent to our ſouerane loird, and of his hienes realme and liegis for the tyme, committit actuallie be James Hammiltoune, callit of Bothwellhauch and Johnne Hammiltoune, Proweſt of Bothwell, his brother, within the burcht of Linlythqw, vpoune the xxiij day of Januar, the ȝeir of God Im.Vc.lxix ȝeiris; and that of his cawſing, counſale, command, aſſiſtance and ratihabitioune; treſſonablie reſetting, ſuppleing and menteining the ſaidis James and Johnne Hammiltounes, actuall committaris, immediatlie efter the ſaid Murthour, with the het bludye hand, within his awin dwelling place of Neidpeth-heid, quhair he duelt for the tyme; thay being fugitiues þairfoir, and takand the horribill cryme vpoune thame; treſſonablie conceland and hydand the Murthour and Murthouraris, he being baith of the foirknawlege þairof, as alſwa, treſſonablie hurding and keiping of the ſaidis murtheraris within his ſaid place, at the tyme foirſaid, and be the ſpace of ſindrie dayes thaireftir; nochtwithſtanding he perfytlie knew, that grit diligence wes tane in ſercheing and ſeiking of the ſaidis murtheraris, to haif takin and apprehendit thame for executioun of juſtice. And lykewayis, for the treſſonabill Reſetting, aſſiſting, ſuppleing and helping the ſaid Mr Archebauld Dowglas, ſumtyme Parſoun of Glaſgw, in the place of Spot, quhair he duelt for þe tyme; and that in the moneth of Marche Im.Vc. fourſcoir ȝeiris, eftir þat the ſaid Mr Archebauld was delaitit for the treſſonabill and vnnaturale Murthour of vmqle our darreſt loirdis father, Henry King of Scottis, of gude memory, and fugitiue for the ſamin, acceptand thairby the cryme vpoune him: Lykeas, the ſaid George treſſonablie ſupportet and conuoyit the ſaid Mr Archebauld, be him ſelf and vtheris in his name, of his cawſing, command, aſſiſtance and ratihabitioune, furth of þis realme, at þat tyme, to the pairtis of Ingland, for ſauftie of his lyff, that he ſuld nawayiſe be apprehendit, preſentit to our ſouerane loirdis lawis, nor puneiſt for the ſaid horribill cryme; and nocht ſatiat þairwith, treſſonablie wrait directit meſſageis to þe ſaid Mr Archebauld, into the pairtis of Ingland quhairunto he fled for the cauſe foirſaid; and treſſonablie practizit with him, be him ſelf and vtheris mediate perſonis, of his ſending, ſen his paſſing in Ingland, at diuerſe tymes, in preiudice of our ſouerane loird, his hienes realme and liegis; and ſwa hydeing and couering of the ſaid Murthour, that the committaris thairof ſuld nather be knawin nor puneiſt for the ſamin: And alſwa, for art and pairt of the treſſonabill accepting to tak and put violent handis on our ſouerane loirdis perſoune, and ſindrie of his hienes nobilitie and ſecreit counſale, at diuerſe tymes, in the moneth of December and Januare in the ȝeir of God Im.Vc.lxxx ȝeiris, and that within the burcht of Edinburghe, and Palice of Halirudhous; and treſſonablie hid and concelit the ſaidis attemptatis, he being of the foirknawlege þairof, and maid priuie þairof, be Archebauld ſumtyme Erle of Angus, and vtheris of that conſpiracie; and treſſonabill gevin counſale to þe ſaid Erle and vtheris of the ſaid Conſpiracie, to put the ſamin to full executioune: And vtheris treſſonabill conſpiraceis and crymes, at lenth ſpecifeit and contenit in the ſaidis lettres direct thairvpoune.

Comperit Capitane James Cuninghame, as procuratour for Dame Annas Keyth Countas of Argyle, and Dame Elizabeth Stewart Countas of Murray,[1] her dochter, be thair lettres of Procuratorie, ſubſcryuit with thair hand allanerlie, ſpeciallie conſtitute; and deſyrit to be admittit for his intres, be vertew thairof; and aſkit inſtrumentis vpoun the productioune of the ſamin.—Comperit lykewyiſe, Richart Kaſe, ſeruitour to Alexander Hwme of Manderſtoune, and Jaſpart

[1] Vide note at the commencement of this trial.

Hwme, as procuratouris ſpeciallie conſtitute be the ſaid Alexander Hwme of Manderſtoune and his lettre of Procuratorie, ſubſcryuit with his hand, being ſpeciale informer, in the ſummondis of Treaſoune lybellit and perſewit aganis the ſaid George Hwme of Spott, deſyring to be admittit procuratouris conforme thairto; and aſkit inſtrumentis vpoune the productioun of the ſamin.

The ſaid George Hwme of Spott, haiſing reſpect to the compeirance of Richart Caſe and Jaſpart Hwme, as procuratours for Alexander Home of Manderſtoune, informar in this caus, proteſtit that lykewayiſe he may haif preloquitouris admittit for his pairt, to appone aganis the ſaid Alexander Hwme and his procuratouris compeirand in his name, allanerlie ſa far as concernis his pairt, as informare of the Aduocate.

The Justice, being rypelie awyſit with the deſyre of the Laird of Spott, admittis that he ſall haif preloquitouris to appone aganis the ſaid Alexander Hwme of Manderſtoune and his procuratoris, as informaris foirſaidis, vpoune the danger and perrell of law.

The ſaid George Hwme of Spott, aſkis inſtrumentis vpoune the productioun of the Procuratorie be the ſaid Capitane James Cuninghame, onlie ſubſcryuit be the ſaidis Dame Annas Keyth Countas of Argyll, and Dame Elizabeth Stewart Countas of Murray; and that the ſamin is nathir ſubſcryuit be the Erle of Argyle, ſpous to the ſaid Dame Annas, nor ȝet be the Erle of Murray, ſpous to the ſaid Dame Elizabeth.—To the quhilk, anſwerit the ſaid Capitane James Cuninghame, that the Procuratorie is ſufficient, and thairfoir aucht to be admittit, nochtwithſtanding the ſamin is nocht ſubſcryuit be thair huſbandis, in reſpect the actioune is treſſonabill.

The ſaid Laird of Spott, haiſing regaird to the tryell of his innocencie, condiſcendit, that albeit the ſaid Procuratorie war nocht ſubſcryuit be the ſpouſes *reſpectiue* foirſaidis, as the ſamin is nocht; ȝit, gif it wer to the forderance of juſtice, he wald admit the ſamin; and wnderſtanding alwayis, that it tendis to delay the mater, aſkis inſtrumentis, ȝit as ofbefoir, that the productioun thairof nocht ſubſcryuit be the huſbandis *reſpectiue* as ſaid is; and allegeit that the ſamin thairfoir aucht nocht to be admittit; and nochtwithſtanding thairof, he is content that the ſaid Capitane James Cuninghame inſiſt in perſute, be his Procuratory, and nocht to delay the mater; Lykeas, the ſaid George allegeand, that it wes the Kingis Maieſteis mynd for forderance of juſtice, that preſent tryell be tane thairin at this dyet, produceit his hienes Precept in jugement, off the quhilk, the tennour followis:

Rex,

Justice, Juſtice Clerk and ȝour deputtis, We greit ȝow wele. Forſamekill as, we wndirſtanding that þair is ane Juſtice-Court to be haldin, the ſextene day of this inſtant, for tryell of George Hwme

of Spott; thairfoir it is our will, and we appoynt Adame Bifchope of Orknay, Robert Commendatour of Dunfermling, Mark Commendatour of Newbotill, and Mr Johune Lindefay parfoun of Menmuir, to be Affefouris vnto 3ow: And that 3e cheis ane condignne Affyife to the faid George, effeirand to his eftait and degre; and that 3e admit nane that ar ferwandis, kin, freindis or dependaris to Alexander Hwme of Manderftoune, his competitour. Admitting alfwa to the faid George, his lawfull defenffis, quhilkis may be competent vnto him of the law, conforme to juftice. Subfcryuit with our hand, Att Dalkeyth the twelf day of Jnnij 1528.

(Sic fubfcribitur) JAMES R. Lenox. Arrane.

Vpoune the productioune of the quhilk Precept, the Laird of Spott afkit actis and inftrumentis.

Followis the Copye of ane Precept, direct be the Kingis Maieftie, for directioun of lettres aganis the faid George.

Justice, Juftice Clerk and 3our deputtis, Forfamekill as, George Hwme of Spott, has bene oftymes dilaittit of certane crymes of Trefoun and Lefe-maieftie, grittumlie fufpect þairof: Thairfoir, 3e fall nocht faill, and we command 3ow, for tryell to be had heirin, that 3e caus fummond the faid George, to wnderly our lawis þairfoir, in our Tolbuyth of Edinburghe, vpoune fyftene dayis warning; nochtwithftanding our Actis of Parliament and vthiris, that thay quha ar to be accufit of Trefoun, fuld haif fourtie dayis fummonding ofbefoir; becans the faid George is willing to anfuer vpoun the famin xv dayis warning: And to þat effect, that ye fummond ane Affyife, of the maift honeft perfonis, and leift fufpect of partialitie, and that beft knawis the veritie, in the faid mater. This onnawayife 3e leif wndone, as 3e will anfuer to ws þairvpoun. Subfcryuit with our hand, Att Dalkeyth, the xxviij day of Maij inftant, and of our regnne, the xv 3eir, 1582.

(Sic fubfcribitur) JAMES R. Lenox. Arane.

The faid Maifter Johnne Grahme, Juftice-Depute, in name and behalf of the Juftice Generale, and for himfelf, afkis inftrumentis and documentis, vpoun the productioune of the twa Warrandis of the Kingis Maiefteis, as thair ar; and proteftit, that thai remane in proces, &c.

The faid James Cuninghame afkis inftrumentis, that the faidis twa Warrandis produceit, ar nocht paft in Counfale. Quhairvnto anfuerit the Laird of Spot, that the Warrandis ar fufficient, in refpect the famin are fubfcryuit be our foverane loird and the Dukis grace, conforme to ane Act of Secreit Counfale maid at Striueling; and for corroboratioune thairof, produceit the faid Act in jugement, quhairof the tennour followis:

Apud Striueling, duodecimo die menfis Aprilis, anno domini 1582.

Forfamekill as, findrie gud Actis hes bene maid, alfwell in Parliament as in Secreit Counfale, aganis the vnreffonabill and vndifcreit behauiour of findrie his Maiefteis domeftice ferwandis, and vtheris fubiectis; that ceife nocht, rafchlie and inopportunlie, without dew reuerence of his hienes, or acknowlegeing þame felfis or the nature of þair fuetis, and without refpect of tyme, place or vthir circumftancis, to vrge and preife his Maieftie to fubfcrybe fignatouris, preceptis, chargeis and miffivis to the Lnirdis of Seffioune and vtheris inferiouris Jugeis, for ftaying or furthering of proces, in matteris of juftice, and findrie vther extraordinare writtis; vttirlie perverting the ordour appointit be the faidis Actis; quhilkis ordanis thingis to be awyfit, and paft firft in Secreit Counfale, befoir his hienes fubfcribe þaim; Quhair be þe contrair, his hienes fubfcriptioune is commounlie firft procurit, be-

foir the lettres be red, hard or confidderit in Counfale; quhairthrow findrie inconvenientis occuris. For remeid of the quhilkis, in tyme cuming, it is thocht expedient, ftatute and ordanit, that nane prefume or tak vpoune hand, to prefent to his Maieftie, ony fignatour, precept, charge or miffiue to the Loirdis of Seffioune, or ony inferiour Jugeis, for ftaying or furthering of proces, in materis of juftice, or vther extraordinar writtis, or to preife to urge him with the fubfcryuing þairof, except his hienes ordinar officeris of the eftait, in thingis properly belanging to þair officeis, according to þe faidis Actis; without þe famin be firft red, hard and allowit be ane ordinar number of his hienes Counfale fittand, and fubfcryuit with twa of þair handis. That nane of the lettres firft fubfcryuit be his hienes Maieftie, befoir the allowance þairof in Counfale, or althocht þai be fubfcryuit be ony vther twa of the Counfale out of Counfale fittand, it falbe ony fufficient Warrand to þe keipares of the fignet, privie or grit feallis, or the clerk of the Counfale; nor 3it fall it be ony caus of offence or perrell to diffobey the fame, quhaireuir thay fal happen to be vfeit or prefentit, without the Duikis Grace haif confiderit and fubfcryuit þe famin, for awoyding and efchewing of þe foirfaidis inconvenientis, abufe and confufioune, in tyme cuming: And quha euir offendis in the premiffis, being the Kingis domeftike ferwandis, fall vpoune tryell that þai ar gyltie, be caffit, and put furth of þair feruice in the faid houfe: And being ony vtheris perfonis, falbe rigoruftie punifcheit at the fycht of his hienes, and his faid Priuie Counfale.

Extractum *de libro actorum fcereti confilij f. d. n. regis, per me Joannem Andro, clericum deputatum ejufdem, fub meis figno et fubfcriptione manualibus.*

(Sic fubfcribitur) Joannes Andro.

The Aduocate, being inquyrit, gif he wald infift in perfute of the faid George Hwme of Spot, for the treffonabill cryme aboue writtin, and vtheris lybellit; declairit, that he will infift and perfew, diffafenting fra all continewatioun in the faid mater; and requyrit the faid James Cuninghame compeirand for the Countas of Argyll and Countas of Murray, togidder with the faidis Richart Cafe and Jefpart Hwme, compeirand as procuratouris for Alex. Hwme of Manderftoune, informer, to infift and concure with him in the faid perfute. Quhairvpoune, he afkit inftrumentis.

The Justice, being awyfit with the faidis Adame Bifchope of Orknay, Robert Commendater of Dunfermling, and Mr Johnne Lindefay parfoun of Menmwre, his Affefouris foirfaidis, ffand be Interloquitour, that proces fuld be deduceit in the faid actioun this day, conforme to the lawis of this realme. Quhairvpoune, the faid Laird of Spot afkit inftrumentis.

James Cuninghame proteftis, that the Procuratorie and heidis produceit be him in writ, be keipt, in proces, in caice this mater paffe to ane Affyife, and the faid Laird of Spott be acquit of airt and pairt of the treffonabill Murthoure and flauchter of vnq^le^ James Erle of Murray, Regent to our fouerane loird, and of his hienes realme and liegis, and conceling of the famin, as the Dittay beris, for Wilfull Errour, &c.

The faid Richart Kafe afkis inftrumentis, that he requyrit this mater to be continewit; in refpect, the Kingis Aduocate is feik, to quhome his maifter, informer in this caus, gaif his informatioune.

The ſaid Mr Dauid McGill, ȝit as ofbefoir, aſkis inſtrumentis, that he preſentlie deſyris the ſaid James Cuninghame, Richart Kaſe and Jeſpart Hwme, procuratouris and the informaris foirſaidis, ſeeing that juſtice aught to be miniſtrat on ther treſſonabill crymes, but delay, to remane and aſſiſt him as informaris, to gif him informatioune.—To the quhilkis anſuerit the ſaid James Cuninghame, that he compeiris onlie as procuratour for the twa Countaſſis foirſaidis. And the ſaidis Richart Kaſe and Jeſpart Hwme anſuerit, that thay will inſiſt in the ſaid perſute, in name and behalf of the informar, ſwa that the ſamin be nocht prejudiciall to the caus.

The ſaid Mr Dauid McGill, aduocat, deſyris the roll of Aſſyſe, ſubſcryuit onlie be Mr Robert Creychtoune, Aduocate to our ſouerane loird, to be firſt callit.—Quhairvnto anſuerit the ſaid Laird of Spott, that thair is ane roll of Aſſyiſe of the maiſt famous perſonis of the countrie, and leiſt ſuſpect, ſubſcryuit be Williame Erle of Gowrie Loird Ruthuen, theſaurer to our ſouerane loird, the Juſtice Clerk, and the ſaid Mr Robert Creychtoune, aduocate; conforme to the Kingis Maieſteis Warrand direct thairvpoune; quhilk roll aucht to be reſſaueit and firſt callit: And proteſtit, that the tothir roll be nawyiſe reſſauit; in reſpect, the ſamin is gevin vp be the informer.

The Justice, with awyſe of the Loirdis Aſſeſouris foirſaidis, Ordanis be Interloquitour, that ane of ather of the ſaidis twa rollis be red and callit, and ſwa furth ordourlie, ane for ane vther.

Assisa.

Johne Edȝare of . . . . . , James Hoppringill of Wod, Henry Hepburne of Fortoune,
Niniane Spottiſwod of that Ilk, Alexander Daumahoy of that Ilk, Thomas Fawſyde of that Ilk,
Henry Haliburtoune of Mertoune, Johnne Edmeſtoun of that Ilk, Patrik Congeltoune of that Ilk,
Thomas Cranſtoune of Moreſtoune, Alexander Cokburne of that Ilk, Robert Hwme of the Hauch,
Alexander Wardlaw of Currihill, Johnne Cokburne of Ormeſtoune, William Wauchope of Nwdry.

The ſaid James Cuninghame proteſtis, that quhatſumeuir thing the ſaidis perſonis of Aſſyis dois this day, in this mater, that the ſamin be nawayiſe prejudiciall to the ſaidis Dame Annas Keyth Countas of Argyll and Dame (Elizabeth) Stewart Countas of Murrayis actioune; vpoune the quhilk he requyrit ane document.

Verdict *of the Aſſyſe, Acquitting of George Hwme of Spott.* And immediatlie efter the cheſing, ſweiring and admitting of the ſaidis perſonis of Aſſyiſe, with conſent of ather partie, and ſweiring of thame in jugement, as vſe is; the ſaid George Hwme of Spott, being accuſit be vertew of the ſaidis lettres, of the treſſonabill cryme aboue writtin, and vtheris contenit þairin, fortefeit be ſindrie takanis of Dittay gevin in thairvpoune, and the ſamin being denyit ſimpliciter be the ſaid George, and referrit to the tryell and delyuerance of the foirnemmit perſonis of Aſſyſe; thay removit furth of the ſaid Court, and altogidder conuenit and reſſonit vpoune the poyntis of the ſaid lettres and dittay; and eftir lang reſſoning had be þame þairvpoune, being ryplie awyſit thairwith, and euerie poynt of the ſamin, votit, delyuerit and Acquit þe ſaid George of euery poynt of the ſamin; and ſyne re-enterit agane in the ſaid

Court of Jufticiarie, and thair, be þair delyuerance, pronunceit be þe mowth and fpeiking of Johnne Cokburn of Ormeftoune, Chancellare of the faid Affyfe, ffland and delyuerit the faid George Hwme of Spott, Acquit off art and pairt, red and counfale of the crewall, fchamefull and abominable Murthour and flawchter of vmq^le our fouerane loirdis darreft father, Henry King of Scottis, committit in the moneth of Februar, the ȝeir of God I^m.V^c. threfcoir fex yeiris, within his awin lugeing befyde þe Kirk of Feild, &c. &c. (as before detailed): And fforder, of art and pairt, rede and counfale, of the treffonabill attempting to tak perforce, be way of deid, James fumtyme Erle of Mortoune, furth of our fouerane loirdis waird, quhairto he wes committit, for the horribill Murthour of our fouerane loirdis vmq^le darreft father; and that, in the faid moneth of Januare, the ȝeir of God I^m.V^c. fourfcoir ȝeiris, as he was to be tranfportit furth of his Maiefteis Caftell of Edinburgh to his hienes Cafteil of Dunbartane; thair to be keipit, quhill he be put to the knawlege of ane Affyife: And of the treffonabill counfale-geving, to corrupt and feduce his keiparis, and vtheris haifing credit of his faidis wairdis and Capitanis þairof, to þat effect; and þairby, treffonablie hyding and conceling þe faid confpiracie, he beand of the foirknawlege þairof: And auttour of art and pairt, red and counfale, of the treffonabill attempting of the inbringing of the Inglis force, within the pairtis of Scotland; thairby to diffolue the peax, of lang tyme keipit, betuix the realmes of Scotland and Ingland; and be his perfuafioune, treffonablie drawing and allureing grit poweris of Inglifmen, wele inarmit, to the nowmer of Ten thowfand perfonis or þairby, to the bordouris of Ingland, foiranent the bordaris of Scotland; daylie manaffand and boiftand weir, and to diffolue the publik peax foirfaid; committit be him in þe faid moneth of Januar, the ȝeir of God 1580 ȝeiris, quhen the faid vmq^le James fumtyme Erle of Mortoune was in waird, for the crewall and treffonabill Murthour of the faid vmq^le oure foueraine loirdis darreft father: And feing the firft purpois to mifgif, towardis the releif of the faid vmq^le James furth of waird, practiȝit and interpryfit þis purpois, thiokand þairby, that the faid vmq^le James fuld recouer his libertie, and efcaip tryell and pwnifchment: And rychtfwa, of the treffonabill hyding and conceling of the faid attemptatis, and caus quhairfoir þe famin wes attemptit, and quha was confpiratouris þairin with him, quhome be þe famin wes attemptit; he being of þe foirknawlege of all the crymes and treffonablie geuing counfale to þe faid Archebauld fumtyme Erle of Angus, and vtheris of the faidis confpiraceis thairanent.

[*Mr Williame Oliphant, Justice-Depute.*]

Fire-raising, &c.

Jun. 5, 1583.—Alexander Jarḋene of Apilgirth.[1]

Dilaitit of the treffonabill Birning of the Place of Litillgill.

The Juftice, continewis the mater aboue writtin; in refpect of the allegeancis proponit againis the name of Hammiltoune and Bailleis, and deidlie feid, vpoune the commoune caus; as alfwa, vpoune the faid Alexanderis peiris: And ordanit thame to be commnittit in waird, within the Caftell of Edinburgh.

[*Mr Johnne Grahame, Justice-Depute.*]

Breaking Ward out of Castle of Edinburgh.

Aug. 5.—Johnne Stewart, watchman in the Caftell of Edinburghe.

Dilaitit of the breking of the Kingis Waird of the Caftell of Edinburghe, and convoying of the Laird of Apilgirth and Williame Tailȝefeir his ferwand furth thairof.

[1] See Nov. 27, 1584.

The Juſtice ordanis Johnne Stewart to be committit in waird, quhill the Aduocate be preſent for his perſute.

Fire-raiſing—Burning corn, &c.

Aug. 5.—Johnne Lindesay of Covingtoune, Mr James Lindeſay and Robert Lindeſay, his ſonis.

Dilatit of airt and pairt of the treſſonable raſing of fyre and birning of fyve ſtakis of beir, quheit and aittis, perteining to Mr Johnne Scharp, Aduocate.

The Conſtable of the Caſtell of Edinburghe aſkit inſtrumentis of the entrie of the Laird of Covingtoune and his ſonis on pannell, conforme to ane Warrand direct to that effect. Compeirit Mr Johnne Frude, and produceit ane ſubſtitution, maid be Mr Dauid MacGill, Aduocate, makand and ſubſtitutand him in his place, to perſew the Laird of Covingtoune and his ſonis, for the crymes thairin contenit; and deſyrit thame to be inſert in proces.

The Dittay, which is inſerted at length, charges the pannell, 'for the maiſt treſſonable, awfull and horribill raſing of fyre, within the barne-ȝaird of Horſtoune, and coirnis ſtanding ſtakkit within the ſamin, pertening to Mr Johnne Scharp, Aduocate; quhairby, be ane grit quantitie of powder and vtheris neceſſaris vſit be ȝow, at the leiſt of ȝour cawſing, airt, pairt-taking, reſetting, conceling and command, ȝe maiſt treſſonablie and awfullie brint and deſtroyit to him, within þe ſamin barne-ȝaird, lyand within the Sherefdome of Edinburgh, fyve ſtakkis of corne or þairby, contening þe quantitie of foure chalder of victuall or þairby, of quheit, beir and aittis.—This ȝe did, vpoune þe xx or xxj dayis of March laſtbypaſt, vnder ſcilence of nycht,' &c.

The Juſtice, continewis the mater to the morne, be Interloquutour, in the ſame force and effect as it now ſtandis; and Ordanis the Laird of Covingtoune to be committit agane to waird, within the Caſtell of Edinburghe.

Aug. 6.—The ſaid Laird of Covingtoune, willing that his innocencie be tryit, of the ſaid cryme, conforme to the lawis of this realme; declarit, that he is now twyis preſentit in this jugement, to that effect; lykeas, he offerris him ſelf preſentlie reddie to abyde tryell thairin, be the knawlege of ane Aſſyſe, &c.

Interlocutor. The Juſtice, being ryplie awyſit with the premiſſes, haiſing conſideratioune of the wechtines of the cryme, being ane mater of Treſſoun; ffindis be Interloquutour, that he can nocht gudlie proceid at this preſent, in the ſaid mater; ſpecialie, in reſpect of the abſence of Mr Dauid MacGill, Aduocate-principall; and that the Juſtice is nocht in vſe to reſſaue ane ſubſtitute, to perſew ony crymes of Treſſoune, ſic as birning of coirnis; quhilk, for the weill of the countrie, requyris ſufficient tryell. *Secundlie,* becaus the ſaid ſubſtitute declarit, that he had reſſaueit na inſtructioun, informatioun or taikin of Dittay, fra our ſouerane loirdis Aduocate, nor fra the pairtie offendit; bot onlie ane ſimpill Dittay but[1] taikinnis, as ſend fra the aduocate, delyuerit to him be Williame Somer-

[1] Without proofs or evidence in support of the averments therein contained.

well, neir kinnifman to þe faid Laird of Covingtoune. *Thridlie,* in refpect of the faidis lettres of Affyfe wer raifit be þe faid Williame Somerwell, as wes notoure; and that þe officer executour of the famin confeffit in jugement, that þe faid Williame Somerwell gaif vp to him the names of Affyfe, with the lettres; quhilkis wer fummond be his directioun and at his defyre. *Ferdlie,* feing it is manifeft, that inquifitioune wes takin in this mater, at command of the Kingis Maieftie, be certane of the Loirdis of his hienes Priuie Counfale, quhilkis now, be reffoun of þe aduocattis abfence, is fuppreffit and nocht produceit. *Fyftlie,* becaus the fpeciall pairtie and intereft awner of þe faidis coirnis, mentionat in the faidis lettres and dittay, being ordanit be vertew þairof to be fummond, wes nocht lawfullie warnit for his intres; in refpect he wes nocht warnit quhill[1] 3efterday, eftir þe fenfing of the Court, and the hour of caus neirly bypaft; þe faid day being affignit as peremptour, to þis perfuit. *And* finallie, confiddering þat Mr James Lindefay and Robert Lindefay, fonis to þe Laird of Covingtoune, prefentit þame felfis yefterday in jugement defyring þame to be put to þe knawlege of ane Affyfe for þe faid cryme, thay neuir being atteichit, conuenit nor committit to waird; quhik appiris ane grit noueltie, far by[2] þe accuftumit ordour of this Court: and for diuerfe vtheris reffonable cauffis and confidderationis moveing him; fpecialie, becaus our faid fouerane loirdis Precept commandit him to do juftice in þe faid mater, as occafioun fuld ferue: Thairfoir continewit þe faid mater, quhill he war awyfit be the Kingis Maieftie and his hienes Secreit Counfall þairanent: And ordanit þe faid Laird of Covingtoune to be committit to waird within þe faid Caftell of Edinburghe.

The Laird of Covingtoun proteftit, that he may be put to libertie, in refpect he offerit him felf, as faid is, to the tryell of ane Affyfe, and cawtioner for his entrie the thrid day of the Air or foner, vpoune xv dayis warning, vnder the pane of Fyve thowfand pundis.

THE Juftice continewit the mater quhill he be awyfit, and ordanit him to be committit to waird.

[*Mr Johnne Grahame and Mr Eduard Bruce, Justices-Deputes.*]

Bigamy—Adultery.

Jan. 17, 1583-4.—ALEXANDER ABERCRUMBIE of Pitmeddene.

Dilaitit of the mareing (marrying) of twa wyffis, contrair the Actis of Parliament, and committing of Adulterie.

Continued to the Air of 'Abirdene, tertio Itineris, vel xv dierum.'

[*Mr Johnne Grahame, Justice-Depute.*]

Fire-raising—Burning of Corns.

Feb. 1.—EDUARD MAXWELL of Tinwald, William Maxwell his fone.

Dilaitit of airt and pairt of the treffonabill birning of certane coirnis pertening to Robert Maxwell of Bratoch; committit vpoun the fyft day of Marche laftwas.

'Committit in waird to the Capitane of Blaknes.'

[1] Until. [2] Beyond, contrary to.

Preloquitouris for the pannell.	Preloquitouris in perſute.	Persewaris.
Robert Maxwell of Caſtelmilk,	Johnne Erll of Mortoun,	Robert Maxwell in Bratoch,
Johnne Maxwell in Portrak.	Lord Maxwell,	Mr Dauid MacGill of Niſbet,
	Robert Maxwell of Duncowtedir.	aduocat.

Feb. 3.—Johnne Kirkpatrik appeirand of Ellifland, Robert Kirkpatrik of Bratoch, Roger Greirſoun of Lag, and fifteen others, fined in 'fourtie pundis' each, for abſenting themſelves from the Aſſyſe; in conſequence of which, the pannells were again 'delyuerit to þe Capitane of Blaknes.'

Mar. 16.—They were recomitted, owing to non-ſummoning of a proper Aſſyſe.

[*Mr Williame Oliphant, Justice-Depute.*]

Cattle-stealing—Perjury.

Feb. 10.—Archebauld Croser, ſone to Martene Croſer.

Dilaitit of airt and pairt of the thiftuous fteling, confeling, reſſetting and away taking, fra George Ra and Thom Lindeſay, trauellouris, of lxx ky and oxin, cumand to Hallow-fair, in October 1582 ȝeiris; and of periurie and vther poyntis contenit in the Dittay.

Verdict. The Aſſyſe, be the mowth of Thomas Ker of Merſingtoune, ffand and delyuerit the ſaid Archebauld Croſer to be culpabill, conuict and fylit.

Sentence. To be tane to ane gallous, beſyde the mercat-croce of Edinburghe, and thair hangit quhill he wer deid; conforme to the lawis of the realme.

[*Mr Johnne Grahame of Halzairdis, Justice-Depute.*]

'Erle of Gowries, Lord Ruthuenis and Dirltounis proces.'

May 4, 1584.—At the Ladie Maris lugeing in Striueling, the ferd day of Maij, þe ȝeir of God I^{m}.V^{c}.lxxxiij ȝeiris. In preſens of the rycht honorabill Sir Lwes Bellenden of Auchnowle, knycht, Clerk of our ſouerane lordis Juſticiarie, Robert Grahame of Chornik, ... Grahame, fecund ſone to Sir Dauid Grahame of Fintrie, knyght, and Johnne Creychtoun, ſeruitour to the ſaid Sir Lwes, witneſſis in the mater and effect vnderwrittin.

The quhilk day, compeirit in preſens of Johnne Auchmowtie, and James Caſtellaw, bailleis of the burcht of Striueling, and me Mr James Bannatyne, Clerk Ordiner depute, in the office of Juſticiarie and Notare publict, ane diſcreit man, Mr Johnne Grahame of Halȝairdis, quha in our preſens, beſoir the witneſſis foirſaidis, produceit our ſouerane lordis Commiſſioune, vnder his hienes ſignet, off the dait, at the Caſtell of Striueling, the third day of Maij, the ȝeir of God I^{m}.V^{c}. fourefcoir ȝeiris foirſaid; makand him his Maieſtis Juſtice, in that pairt, to fens and hauld Courtis of Juſticiarie, for adminiſtratioune of juſtice,

vpoune quhatſumeuir perſoun or perſonis, tane, ſuſpect or dilaitit of the foir-knawlege, airt and pairt, of the treſſonabill takking, fortefeing and withhaulding of the burcht and Caſtell of Striueling, and vtheris treſſonabill and capitale crymes quhatſumeuir; and conforme thairto, deſyrrit the ſamin to be admittit, and him ſelf ſworne, according to the ordour. Quha immediatlie thaireſtir, in preſens of the ſaidis bailleis, me Notare and witneſſis foirſaidis, be halding vp of his rycht hand, ſwoir and gaif his ayth, that he ſuld lelilie and trewlie ſerue in the ſaid office of Juſticiarie, as Juſtice in that pairt, according to the tennour of the ſaid Commiſſioun; as he wald anſuer to our ſouerane lord thairvpoun: And than incontinent cheſit, creat and conſtitut, Alexander Peblis meſſinger, Alexander Craigingalt and Johnne Hodge in Striueling, conjunctlie and ſeuerallie, in Officiaris; and Robert Scott in Striueling, in Dempſtare of Courteis of Juſticiarie; thay being lykewayis ſworne be thair grit aithis, gevin befoir the ſaid Juſtice, to ſerue and miniſter lelilie and trewlie in thair offices thairof, ilkane for thair awin pairtis, ay and quill thay be diſchargeit, &c. Quhairvpoun, the ſaid Maiſter Johnne aſkit inſtrumentis of me Notare publict and clerk foirſaid.

It is much to be regretted, that during so important a part of the history of this country, the Criminal Record should be so defective. There are too good grounds for believing, that much of that valuable Record has been wilfully destroyed during this troublesome period. A great part of the earlier portion of those Volumes of the Books of Adjournal now extant, evidently consists of the 'Minute Books' of the Court. Accordingly, in the extraordinary matter of THE RAID OF RUTHVEN, no part of the procedure which took place under the above noticed Commission, is inserted in these Books. It was usual, no doubt, in these instances, for such Commissioners to report directly to the Privy Council, who had previously appointed the enquiry to take place; and their proceedings did not of necessity, at least in that shape, form part of the proper Record of the Court of Justiciary. In other instances, however, the process of Treason and the Forfeiture was led before the three Estates of Parliament, and therefore could not enter the Books of Adjournal, unless ordained to be therein recorded. After diligent search, no trace of this Report is to be found amongst the Books or Warrants of the Register of the Privy Seal; but fortunately, in the Parliamentary Record, Official Copies or 'Extracts' of the Verdicts and Processes of Forfeiture of the Earls of Morton and Gowrie are furnished, under the Attestations of William Stewart, junior Clerk of the Court of Justiciary, and of Sir Lewis Bellenden of Auchnoule, Lord Justice Clerk. Although the trial of the Earl of Morton thus occurs out of its regular chronological order, it has been thought

proper to preserve it precisely as it has been inserted in the Books of Parliament.

'Act ratefeing the Domes of Foirfaltour led in Jugement aganis vmq^le James fumtyme Erll of Mortoun and Williame fumtyme Erll of Gowrie, convict of the crimis of Lefe-Majeftie, and execute to the deith thairfoir.'[1]

May 22.—In prefence of the Kingis Maieftie and thrie Eftatis convenit in this prefent Parliament, Maifter Dauid Makgill aduocat to our fouerane, prelocutour for his hienes, at his fpeciall command, fchew and declarit, how thair is certane domes of Foirfalture gevin aganis certane perfonis for crymis of Lefe-maieftie; fpeciallie, aganis vmq^le James fumtyme Erll of Mortoun and Williame fumtyme Erll of Gowrie: And becaus the memorie of tratouris fuld remane to the fhame and flaunder of thame that ar cum of thame, and to be terrour to vtheris to committ þe like crymis in tyme cumming; and becaus þe buikis of Adiornall may be tint and be oft handeling be worne away[2] and vþerwayis the faidis domes of Foirfalture be deftroyit; defiring thairfoir, that it wald pleis his Maieftie and the faidis thrie Eftatis to command the faidis domis of Foirfalture to be drawin out of þe buikis of Adiornall and attentictlie copeit, and the Kingis Maiefties great feall to be hung to the fame; and ficlike, that þe faidis thrie Eftatis fuld append thair feallis thairto, for the fortificatioun, approbatioun and confirmatioun thairof. The quhilk defyir the faidis thrie Eftatis thocht verie reafounable, and be fenfament of Parliament, thocht the fame to be done and grantit, to append thair feallis to þe attentick extract of all Foirfalturis, baith gevin in Parliament and Juftice courtis. Then incontenent Sir Leues Ballenden of Achnoull knycht, Juftice-clerk to our fouerane lord, produceit the attentick Extractes of the Domes of Foirfalture gevin aganis þe faidis vmq^le James fumtyme Erll of Mortoun and William fumtyme Erll of Gowrie; to þe effect that þe famyn may be put and regiftrat in the buikis of Parliament to be extractit vnder our fouerane lordis great feall and the feallis of þe thrie Eftatis, as faid is. And attour our fouerane lord, with aduife and confent of þe faidis thrie Eftatis, gaif command to Alexander Hay of Eifter Kennett, clerk of his hienes Regifter, to gif out þe attentict copy of the faidis Domis of Foirfalture, to pas as faid is vnder his hienes great feall and vnder þe faidis thrie Eftatis. Of the quhilkis Decretis of Foirfalture, gevin in our fouerane lordis Juftice courtis, prefentit as faid is, and fubfcriuit be þe faid Sir Leues Ballenden clerk of Jufticiarie, and Williame Stewart ȝoungar, clerk be commiffioun for þe tyme, refpectiue, the tennour followis.

[1] From the Records of Parliament, Acta III., 304. [2] The precaution thus judiciously taken, has been the means of preserving legal evidence of the procedure in these highly interesting cases.

CURIA JUSTICIARIE *supremi domini nostri Regis tenta et inchoata in pretorio burgi de Edinburgh, primo die mensis Junij Anno Domini millesimo quingentesimo octuagesimo primo, per honorabiles et discretos viros Jacobum Striueling de Keir militem et Magistrum Joannem Grahame, commissarios in hac parte, per Commissionem s. d. n. Regis ac dominorum eius Secreti Consilij specialiter constitut. ad effectum subscriptum: Sectis vocatis et curia legitime affirmata.*

Lese-Majesty — Murder of King Henry Darnley.

JAMES EARL OF MORTOUN LORD DALKEITH, &c.

JACOBUS COMES DE MORTOUN Dominus de Dalkeith, &c.

Jun. 1, 1581.—Accusatus, calumniatus, de arte, parte, prescientia, concelatione et non revelatione proditorie murthure quondam nobilissimi et charissimi Henrici Regis Scotorum, patris s. d. n. Regis Jacobi sexti.

NOMINA ASSISE

Electe, jurate et admisse super prefato Jacobo Comite de Mortoun, viz.

Colinus comes Argadie,	Joannes dominus Maxwell,	Joannes Gordoun de Lochinvar miles,
Joannes comes de Montroise,	Georgius dominus Setoun,	Patricius Hepburne de Wachtoun,
Andreas comes de Rothes,	Jacobus dominus Ogilvie,	Patricius Lermonth de Daruesie miles,
Jacobus comes de Glencarne,	Jacobus dominus Inuermeith,	Willᵉ Levingstoun de Kilsythmiles.
Hugo comes de Eglintoun,	Hugo dominus Somervell,	
Alexander de Sutherland comes,	Alexʳ Magister de Levingstoun,	

The quhilk day the said James Erll of Mortoun being indytit and accusit, that in the monethis of Januar and Februar in the ȝeir of God Iᵐ.Vᶜ.lxvj ȝeiris, he, accumpaneit with vnqˡᵉ James sumtyme Erll Bothuell, James Ormistoun sumtyme of that Ilk, Robert alias Hop Ormistoun his fader brother, Johne Hay sumtyme of Tallo ȝoungar, Johne Hepburne callit Johne of Bewtoun and diuerse vþeris his complices, craftelie and secretlie conspirit amangis thame selffis, tratit, devisit and maliciouslie concludit the maist schamefull, detestable and vnnaturall murthour and patricide of our souerane lordis vnqˡᵉ darrest father, Henrie King of Scottis, lawfull spous for þe tyme to his hienes darrest mother Marie than Quene of Scotland, and that within the burgh of Edinburgh, palace of Halieruidhous and vþeris placeis thairabout: And to þe end he micht bring his wikit, filthie and execrable attemptat better to pas, he, with the remanent personis afoirnamit, be thame selffis, thair seruandis, complices and vþeris in thair namis, of thair causing, command, hounding, sending, pairtaking, assistance and ratihabitioun, vpoun þe tent day of þe said moneth of Februar 1566 ȝeris, at twa houris efter midnycht or thairby, come to þe lugeing beside þe Kirk of Feilde, within the said burgh of Edinburgh, quhair our said souerane lordis darrest fader wes lugeit for þe tyme, and thair, be way of Hame-sukkin, brigancie

and forthocht fellony, maiſt vyldlie, vnmercifullie and treaſounablie ſlew and murtherit him, with Williame Tailleour and Andro MacAige his cubicularis,[1] quhan as they, burijt in ſleip, wes takand the nichtis reſt; brint his haill lugeing foirſaide, and raſit the ſame in þe air be force of gun-pulder, quhilk a litill befoir wes placeit and inputt be him and his foirſaidis vnder þe ground and angular ſtanis and within the voltis, laiche and darne[2] pairtis and placeis thairof to that effect: And rycht ſua, he, with þe remanent perſonis afoirnamit, marrowis[3] of his miſcheiff, be thame ſelffis, thair ſervandis, complices and vþeris in thair namis, of thair cauſing, commanding, hounding, ſending and airt, pairttaking, affiſtance and ratihabitioun, at þe tymis foirſaidis, reſpectiue, gaif thair fauour, counſell and help to þe preparatioun of the ſaid horrible crymis: And ay ſenſyne, hes ſimulat, hid, [and] concelit the ſamyn in maiſt treaſounable and ſecrete maner; and thairthrow had incurrit the panis of Leſe-maieſtie and ſuld haue bene pvniſſit thairfoir with all rigour, be tynſell[4] [of] landis and guidis and be extinctioun of fame, titillis, honour and memorie; conforme to þe lawis of this realme. Likas, the remanent perſonis afoirnamit, his complices and conſpiratouris with him in thir his treaſounable impieties, wer alreadie tryit and foirfaltit for the ſame-ſelff hienous and deteſtable crymis; and for the maiſt pairt, as they culd be apprehendit, had ſufferit maiſt ſhamefull deade thairfoir, according to thair deſeruing. As at mair lenth is contenit in the Dittay gevin in anent the premiſſes, with the takinis and probationis produceit and vſit thairwith. Quhilkis being red to the ſaid James Erll of Mortoun and he anſuerand thairto, denyit the ſamyn; be reaſoun quhairof, the ſaidis Juſtice-deputtis referrit the ſamyn to the knawlege of þe Inqueiſt and Aſſiſe abonewrittin, quha wes ſworne, reſauit and admittit in preſence of the ſaid Erll.

Verdict. And they being furth of Court removit and ryplie aduiſit with the ſaid Dittay, takinis infallible and maiſt evident, with þe probationis produceit and vſit for verefeing thairof; and thairefter enterand agane in Court, they all in ane voce, be þe pronunceing of þe mouth of Johne Erll of Montroiſe, Chancellair choſin be þe ſaid Aſſiſe, fyllit the ſaid James Erll of Mortoun of airt, pairt, foirknawlege and conceling of þe treaſounable and vnnaturall murthour foirſaid.

Sentence. Efter þe quhilk convictioun, the ſaidis Juſtice-deputtis, be pronunciatioun of Andro Lyndſay dempſtar of þe ſaid Court, adiugeit and for Dome gaif, That þe ſaid James Erll off Mortoun ſuld be had to ane geibbett, beſide þe mercatt-croce of the ſaid burgh of Edinburgh, and thair hangit[5] quhill he wer dead; and thairefter drawin, quartarit and demanit as ane tratour:[6] And that

[1] Grooms of the bed-chamber. [2] Hidden, concealed. [3] Equals, partners. [4] Loss, deprivation. [5] Spotswood, p. 314, states that the King mitigated the sentence to beheading, &c. The Confession of the Earl of Morton shall be inserted in the Appendix. [6] Although burial was allowed, and his

all his landis, heretageis, offices and poſſeſſionis, takis, ſtedingis, cornis, cattell, actionis, debtis, obligationis, guidis, movable and vnmouable and vþeris quhatſumeuir, quhilkis pertenit to him, ſuld and aucht apertene to our ſouerane lord and to be applyit to his vſe be reaſoun of eſcheat of foirfalture, to be vptakin, vſit and diſponit be his hienes at his pleaſour.

Vpoun the quhilk premiſſes Mr Robert Crychtoun of Eliok, advocatt to our ſouerane lord, aſkit inſtrumentis and actis of Court.

EXTRACTUM *ex actis Curie Justiciarie antedicte per me Willelmum Stewart Juniorem notarium publicum et clericum dicte Curie, per Commissionem dicti s. d. n. Regis antedict. specialiter electum et juratum, sub meis signo et subscriptione manualibus. Ita est,*

WILLELMUS STEWART Junior
notarius publicus ac scriba dicte Curie.

CURIA JUSTICIARIE S. D. N. REGIS tenta in Edificio Domine Mar, infra burgum de STRIUELING, quarto die menſis Maij, anno domini milleſimo quingenteſimo octuageſimo quarto, per diſcretum virum Magiſtrum Joannem Grahame de Halȝairdis Juſticiarum in hac parte virtute Commiſſionis ſ. d. n. Regis ſpecialiter conſtitut.: Sectis vocatis et curia legitime affirmata.

Lese-Majesty—Raid of Ruthven—Treasonably taking Burgh and Castle of Stirling, &c.

WILLIAME EARL OF GOWRIE LORD RUTHVEN.

May 4, 1584.—The quhilk day Williame Erll of Gowrie Lord Ruthven, being preſentit and enterit vpoun pannell, in preſence of þe ſaid Juſtice, and put to þe knawlege of ane condigne Aſſiſe of þe rycht honorable perſonis following, to witt:

ASSISA.

Coline Erll of Argyill,	James Erll of Arraue,	Williame Lord Levingſtoun,
Dauid Erll of Crawfurd,	George Erll of Merſhell,	Patrik Lord Drummound,
Johne Erll of Montroiſe,	Alexander Lord Saltoun,	James Lord Ogilvie,
James Erll of Glencarne,	Hew Lord Somervell,	Alexander Maiſter of Elphingſtoun,
Hew Erll of Eglintoun,	James Lord Downe,	Sir Johnne Murray of Tillibardin, k[t].

Dilatit and accuſit of the treaſounable crymis following, wes, be thair deli-

corps carried by ſome baſe fellows to the common ſepulchre,' his head was fixed on the Tolbooth. The king afterwards granted the following Warrant to take down the head, which is preserved in the archives of the City of Edinburgh:

'REX. Proueſt and baillies of our burgh of Edinburgh, We greit ȝow weill. It is our will and We command ȝow, that incontinent efter the ſicht heirof, ȝe tak doun the heid of James ſum tyme Erle of Mortoun of the pairt quhair it now is placeit, vpon ȝour awld tolbuith; ſwa that the ſam heid may be bureit: For the quhilk this our lettre ſall be to ȝow ſufficient warrand. Subſcryvit with our hand, At Halyrudhous, the aucht day of December, and of our reigne the ſextene ȝeir, 1582.'

uerance, pronunceit be þe mouth and deliuerance of George Erll of Merſhell, Chancellair of the ſaid Aſſiſe, found and declarit culpable and convict: That forſamekill as, in the beginning of Februar laſtwes, Mr Dauid Home ſervitour to þe Erll of Angus, and Mr James Erſkyne ſeruitour to the Erll of Mar, come to him privilie, vnder ſilence of nycht, within þe toun of Perth, and declarit to him how they wer directit be þe ſaidis tua Erllis, to certifie vnto him, that they wer baith of ane mynd, in following out and executing of thair treaſounable deviſe, in taking of þe kingis burrowis of Sterling and Perth, at left þe ane or the vþer of thame: At the quhilk tyme, he aggreit with thame, in maner of the ſaidis Erllis, to rin thair cours in taking and fortefeing of þe townis foirſaidis, at þe leaſt ane or vþer off thame: Quhairefter, þe ſaid Mr James reid[1] bak agane to þe ſaid Erll of Angus, and affurit him, that he had aggreit to thair maiſt treaſounable interpriſe. And thairthrow, he hes committit maiſt manifeſt Treaſoun, not onlie in conceling of ane treaſounable purpos of ſa greit conſequence, bot alſo mekill mair, in conſenting and aggreing. Item, fyllit and convict, that forſamekill as, he vnderſtanding that Mr James Erſkyne, ſeruand to the Erll of Mar, wes travelland throw þe cuntrie, in Stratherne, Striuilingſhire and Angus, treatand and conſultand with þe partakeris and aſſiſtaris with þe ſaidis Johne Erll of Mar, Archibald Erll of Angus,[2] Thomas Lyoun Maiſter of Glammis and Johnne Carmichaell of that Ilk ȝoungar, vpoun thair treaſounable interpriſe, in taking of the Kingis Maieſties frie burgh and Caſtell of Striueling and dyuerſſe vther treaſounable purpoſſes, he layit þe wayis for the ſaid Maiſter James and garrit await for him be his ſeruandis, that þe ſaid Mr James micht be convoyit to him: And efter his cumming to him, þe ſaid Erll enterit in conference with him, towardis the treaſounable interpriſe attemptat be the perſonis abonewrittin, towardis the ſaid treaſounable ſurpriſing and taking of þe ſaid (burgh) and Caſtell. Quhilk treaſounable interpriſe they brocht to effect, and

[1] Rode. [2] 'Ane Act anent the arreiſting, intromiſſioun and ſequeſtratioun of þe eſchaet guidis and debtis of þe rebellis befoir they be convict or put to the horn;' immediately follows the Act of Ratification of 'the domes of Foirſaltour' above quoted, and states, that 'forſamekle as be Act of Parliament it is provided, that gif ony perſoun or perſonis beis ſlanderit or ſuſpect of Treaſoun, they ſalbe tane and remane in firmance and thair guidis vnder ſuir borrowis, quhill the tyme they haue tholit ane Aſſiſe quhidder they be quyt or foull: And trew it is and of veritie, that Archibald Erll of Angus, Johnne Erll of Mar, Mr Thomas Lyoun of Baldukie Maiſter of Glammes, with thair complices, quhilk laitlie tuik and detenit his hienes burgh and Caſtell of Striueling, raſand oppin weir aganis his hienes and his auctoritie, ar ſenſyne pairtlie fled and remanis out of þis realme, and pairtlie remanis hid and couerit within the ſame vnapprehendit as ȝit,' &c. 'And they and thair freindis and fauoraris in the meantyme ſellis, annaleis, diſponis, cancellis and puttis away thair guidis, geir and debtis, and gevis acquittancis and diſchargeis to thair dettouris, in manifeſt defraud of our ſouerane lord anent thair eſchaetis; ſua that litill or na thing thairof ſalbe left to cum to his hienes vſe and behalff, gif þe intromiſſioun of þe ſamyn be left, quhill they be convict or put to þe borne for þe ſaid treaſounable crymis: Thairfoir our ſaid ſouerane lord, with auiſe of his thrie Eſtatis, hes ſtatute and ordinit, that all their guddis, gear and debtis, maillis, fermis, rentis, &c. ſall remane ſequeſtrat in the handis of the Lord Theſaurar, ay and quhill thay ſalbe tryit quite or fowll of the ſaidis crymes,' &c.

reaſounablie tuik (the) ſaid toun and Caſtell of Striueling, fortefeit and furniſſit the ſaid Caſtell with men and (munitionis?): Quhairthrow, he aſſiſtit thame in thair treaſounable deid foirſaid and wes foirknawin of þe ſamyn, and wes art, pairt, red and counſell thairof; at leaſt, treaſounablie concelit þe ſame fra his Maieſtie, contrair to his dewtie and dew obedience. ITEM, of the diſobedience maid be him, in not randering of Williame Drummoundis hous in Dundie to my Lord of Pettinweme, ane of our ſouerane lordis Previe Counſell and Capitane of his hienes garde, efter þe intimatioun of our ſoueran lordis Commiſſioun to him, maid be þe ſaid lord Commiſſionair; bot keping the ſame be þe ſpace of thrie houris or thairby thairefter. ITEM, of committing of ane maiſt hie Treaſoun, in conceling of ane purpos of wechtie importance, quhairthrow þe lyif and eſtait not onlie of our ſouerane lord, bot alſo of his darreſt mother be perrellit; quhilk had fallin out, gif he had not ſtayit and impedit it: And ſua, not onlie maiſt vnnaturallie and treaſounablie committing maiſt hie Treaſoun, in conceling of ane purpois of ſa wechtie importance, bot alſo perſiſting in the ſaid Treaſoun, be continowance of his ſilence and not declaring of þe ſaid purpos, tending to þe perrell of his Maieſties lyf and eſtate.

SENTENCE. And thairfoir the ſentence and dome of Foirfalture wes pronunceit aganis the ſaid Erll, be þe mouth of Robert Scott in Striueling, dempſtar of þe ſaid Court; That þe ſaid Erll ſuld be tane to þe ſkaffald beſide the mercatt-croce of Striueling, and thair his heid ſtrikkin fra his body and demanit as ane tratour: And that he hes foirfaltit and tint all his landis, heretageis, poſſeſſionis, takis, ſtedingis, offices, lyfrentis, actionis, debtis and vþeris guidis movable and vnmovable, to be applyit, vptakin and diſponit be our ſouerane lord at his pleaſour, and to remane with him and his ſuceſſouris for euer, be reaſoun of eſchaet and foirfalture; as the proces maid thairvpoun beris.

EXTRACTUM *de libris Actorum Adiornalis dicti s. d. n. Regis, tanquam sententia Forisfacture dicti Comitis, per me Ludouicum Bellenden de Achnoull militem clericum Justiciarie eiusdem generalem, sub meis signo et subscriptione manualibus.* LUDOUICUS BELLENDEN *clericus Justiciarie.*

1584.—APUD EDINBURGHE, *vigesimo die mensis Augusti anno domini* 1584, *s. d. n. Rege ipso presente, cum tribus regni statibus; vnacum Johanne Irwing, deputato Mariscallj, Willelmo Henrysoun deputato Constabularij, et Magistro Johanne Arthour deputato Vicecomitis de Edinburgh, ac Andrea Lindsay Adiudicatore*[1] *officiarijs Parliamentj: Sectis prius vocatis et Curia affirmata.*

[1] Dempſtar, deemſter.

Raid of Ruthven—Forfeiture of the Earls of Angus and Mar,[1] &c.

(Aug. 20.)—The quhilk day, Mr Dauid Makgill of Nesbet, aduocate to our souerane lord, producit ane Summondis of Tressoun, dewlie execut and indorsit aganis Archibald Erle of Angus, Johne Erle of Mar, Dame Agnes Drummound Countes of Mar his spous, Dame Annabill Murray Countes of Mar his mother, Mr Thomas Lyoun of Baldeukey, Maister (and Tutour) of Glames, Dame Agnes Gra Ladie Home his spous, Dame Margaret Lyon Countes of Cassillis, Dame Dorathia Stewart Countes of Gowry, Adame (Erskine) Commendater of Cambuskynnethe, Dauid (Erskine) Commendater of Driburgh, Williame (Erskine) Commendater of Paslay, Mr James Erskene brother to Robert Erskene of Lytill Sauchy, Johne Leslie of Buchane, Michaell and William Elphingstonis, brether to the Lord Elphinstoun, George Dowglas of Park, James and George Dowglasse þair sonis, James Dowglas of Todhoillis, Johne Dowglas of Glaspene, William Dowglas of Boncle, (Williame) Dowglas his sone and apperand air, Robert Dowglas ȝoungar of Lochlevin, Laurence Maister of Oliephant, Johne Maister of Forbes, Patrik Drummond apperand of Carnok, Johne Levingstoune ȝounger of Dynnypace, Johne Carmichaell ȝounger of that Ilk, Hew Carmichaell his sone, Williame Carmichaell of Rowntriecorce, Johne Lyoun ȝounger of Cossynis, James Lyoun of Eister Ogill, Williame Lyoun of Balgellie, Hew Nesbet of Raschill, Patrik Home of Argaties, Johne Leslie of Largie, Johne Leslie of Authorteis alias Bannachy, James Hammiltoun of Haggis, Robert Hammiltoun of Corse, Arthour Hammiltoun of Boithuelhauche, Mr Johne Colquill, chantour of Glasgw, Mr Patrik Quhitlaw of Newgrange, Johne Arbuthnocht of Lyntusk, James Murray of Pardowis, Vthreid M^c^Dowgall of Gartheland elder, Vthreid M^c^Dowgall of Garthland ȝounger, and Robert Eskene of Lytill Sauchy: Quhairby they were summoned to haue comperit befoir the Kingis Maiestie and his Estaitis of Parliament this instant day, with continewatioun dayis, ffor certane crymes of Tressoun contenit in the summondis rasit thairvpoun.

Dittay *against the* Earls of Angus *and* Mar *and their accomplices.*

.....super proditorijs criminibus sequentibus dictis, scilicet, Archibaldum Angusie et Johannem Marrie Comites, suosque complices et alios specialiter ante nominatos, et eorum quemlibet, pro suis recentibus proditorijs Conspirationibus earundemque executionibus, modo subsequentj. Quandoquidem palam constat et est notum, quod in mense Aprilj, anno dominj millesimo quingentesimo septuagesimo octauo, immediate post acceptum imperij regimen in nostram personam, matura statuum nostrorum habita deliberatione, dum nos infra dictum

[1] Records of Parliament, Acta III., 332.

Caſtrum noſtrum de Striveling permaneremus, Quodquidem tunc temporis fidiſſinj et predilectj noſtrj Alexandrj Erſkin de Gogar cuſtodie commiſſum fuit, qui trium ſtatuum nobilium et conſulum noſtrorum unanimi conſenſu, ex antiqua et nobilitate preſtanti familia de Erſkin oriundus et dicta cura dignus comprobatus eſt: Prefatus vero *Johannes Marrie Comes*, nihil jam priſce fidelitatis retinens om . . . arbitrio ſuo ſtatuens ob horrenda facinora pre ſe nunc commiſſa declinans indignus omnium viſus, idem ipſum noſtrum Caſtellum proditorie ceptum, dictuſque Alexander Erſkin eiuſdem Capitaneus violenter depulſus et remotus, cum diuerſis alijs nobilibus viris, per noſtrum Conſilium deputatis nobiſcum permanere, pro noſtre perſone firmiori tutela et rei publice vniuerſe conſeruatione, idque ſumma vi et violentia illata per antedictos Johannem Marrie Comitem, Dauidem Erſkin Commendatarium de Dryburgh, Adamum Erſkin Commendatarium de Cambuſkynneth, Wilelmum Commendatarium de Paiſlay, Robertum Erſkin apparentem de Littill Sauchye, Magiſtrum Jacobum Erſkin eius fratrem ſuoſque complices, qui ſubito domeſticos noſtros ſeruitores ad voluntatis ſue libitum amouerunt; alios vero ſibi cognatos et ſue factionis homines aſſumpſerunt; certo propoſito et animo deliberato, eorum ſubiectioni nos perpetuo damnare et retinere; nunc hos vt ſibi optimum viſu erat promouere, nunc illos noſtros nobiles et fideles ligeos proſequi odio et opprimere: Atqui in hoc facinore nedum ſuo ſanguinj et cognatis pepercerunt, quorum partim merore perculſi mortem obierunt; neque in atrociſſima fidelium noſtrorum cruoris effuſione modum ac modeſtiam vallam habuerunt, preſertim infra portas dicti noſtri Caſtri, licet (in eo nobis reſidentibus) idem et campus omnis vndeque quatuor milliarijs proxime circumiacens, pacis propugnaculum, ara et aſylum ſemper extitit et eſt. Quod facinus proditorium, prefatus Comes ſuique complices, tanquam probum opus approbari volentes, nos prefecto violenter per ipſos detentos Parliamentum ſtatuere et tenere infra dictum Caſtrum compulerunt, erga menſem Julij anno antedicto, cuiuſquidem Caſtrj tunc ſeſe ſuperiores et magiſtros modo ſupraſcripto effecerunt, noſque contra animi noſtri deſiderium armatorum preſidio circumvallatos ibidem detinuerunt; qui certe locum Parliamento tenendo ſemper inidoneus eſt viſus, quandoquidem more maiorum et veteri obſeruata conſuetudine, Parliamento in locis et vrbibus acceſſui et receſſui liberis tenenda ſunt, vbj nobilium ac trium regni ſtatuum vnuſquiſque libere loqui et ſuffragia dare poſſit: non vero in Caſtris, arcibus et fortalicijs, ipſorum veſtibulis, portis et januis vndique armatorum militum preſidio circumceptis, per dictum Comitem ad hunc effectum deputat. nobilium autem ac ſtatuum ne vllo quidem ingredi permiſſo ſed tali comitante caterua vt prefato Comiti ſuis complicibus et deputatis antedictis cui ingreſſum patefieri perpeti collibuit, Proteſtatione etiam accepta tunc contra ordinem et locum tenendi Parliamentum: In quo tamen, pro ſe ſuiſque

complicibus prelibatis, antedictum ſuum proditorium nefas vt fidele ſeruitium approbari obtinuit, atque hec omnia in amplificandam gratiam et promotionem talium confecta ſunt. Qui nefande quondam chariſſimi patris noſtri murthure perpetratores extiterunt, ſcilicet, quondam Jacobi olim Mortonie Comitis aliorumque ſociorum, qui convicti pro eodem ſcelere debitam et conſuetam proditorum mortem digne perpeſſi ſunt. Poſtea ob communem reipublice quietem noſtrique ſalutem preſcripto audace periclitantem dictum Comitem de Mar, nobis intimum tanta benevolentia ſumus amplexi, premijs et largitionibus munificentiſſimis, pre reliquis nobilibus, ipſum abunde remunerati eius priſtinam dignitatem amplificauimus, quo certius ac melius eum nobis ac debito erga nos officio deuinciremus, in tali ſaltem fidelitate et ſingulari obſeruantia qua ſuus olim pater patruuſque Alexander Erſkin antenominatus alijque ſui primores nos noſtroſque progenitores nobiliſſimos perpetuo ante, ſumma diligentia coluerunt: Atqui ille aduerſum nos noſtramque mentem inſtitutum aliud nefarie et audacter proſequens, ſalubribus noſtris conſilijs quo ſe corrigeret et proditionibus hujuſmodi abſtineret ſepius adhibitis minime auſcultans, Seditiones tamen vltra concitare et jurgia fouere, ne vllo tempore deſtitit qua occaſione permoti, noſtri fideles ſubditi ſeſe armatos in vnum compulerunt nobili noſtra perſona in dicto Caſtro, tanquam in carcere, per antedictum Comitem et ſuos complices detenta et cuſtodita, modo ſupraſcripto, vt in quo ſtatu eſſemus et qua valetudine frueremur intelligerent, ac pro noſtra ſalute et libertate ipſorum vitas periclitari et corpora morti objicere non deſinerent: Quocirca apud Falkirk conuenerunt in menſe Auguſto anno predicto; quoquidem tempore dicti Marrie, Mortonie et Anguſie Comites ſuique complices, noſtram nobilem perſonam ipſorum poteſtati ſubjugatam in Caſtro noſtro detinentes vt predicitur inuitos nos compulerunt Proclamationes dirigere ad conueniendum noſtros liegeos vnde per probam affectionem qua dicti noſtri fideles ſubditi in recuperanda noſtra libertate alliciti erant: Et per publicam Proclamationem eum obtemperantes alii noſtri ligij ſe conuenerunt, dicti Comites et ſui complices effecerunt quod in ijs poſſibile factu erat, vt huius regni ſubditorum partem alteram ad reliquorum extremam perniciem et necem cruentam, in arma ſubito irruere et prelium inire allicerent: Quo facilius hec patria, perſona noſtra nobilis, ſtatus publicus et auctoritas regia cuiuis externe gentj et inimicis preda procliuior fieret, niſi nos ſingulari omnipotentis Dei ſapientia et prouidentia diuinitus nobis conceſſa repleti, dictas turbas tumultuſque concitatos mox comprimeremus et ſedaremus. Preterea dicti *Marrie et Angusie Comites*, in proditorijs ſuis ceptis perſeuerantes, ſuoſque complices in eiſdem fouentes, preſtiterunt; precipue, vbi dictus quondam Jacobus olim Mortonie Comes, de arte, parte, preſcientia et concelatione horribilis et nefarie necis quondam chariſſimj noſtri patris conſcius dilatus, ideoque in Caſtro noſtro de Edinburgh in-

carceratus et paulo poſt hinc tranſportari in Caſtrum noſtrum de Dunbartane juſſus fuit, prefati Archibaldus Anguſie Comes, Johannes Carmichall de eodem junior, Hugo Carmichall eius filius, Georgius Dowglas de Parkheid, Jacobus et Georgius Dowglaſſe eius filij, proditorio more conſpirantes, molientes et concludentes, violentam interceptionem et ablationem dicti quondam Comitis e manibus fidelium noſtrorum ſubditorum ad ipſius conductionem per nos aſſignatorum, ſpecialem noſtram Commiſſionem ad hoc habentium: Idque in menſe Januario, anno domini milleſimo quingenteſimo octuageſimo, ſeſe in vnum omnes cum ſuis complicibus, more bellico accincti, conveniebant, juxta rupes de Bred, ea intentione et ex certo propoſito vt prefatum quondam Comitem interciperent, apprehenderent et vi armata auferrent. Quemadmodum etiam direxerunt quondam Archibaldum Dowglas olim Conſtabularium Caſtri de Edinburgh, qui nuper morte multatus eſt, jubentes eum ſignificare et ducem dicti Caſtri certiorem facere, vt dictum quondam Comitem retineret ac obſeruaret apud ſe; noſtro interim juſſu ipſum tranſportandi vt predicitur plane dato: Hinc manifeſtiſſime crimen Proditionis et Leſemaieſtatis committendo. Et ob hec pleraque alia proditoria ſcelera, dictus *Anguſie Comes* ſuique complices ante nominati, in Parliamento noſtro tento apud Edinburgh, in menſe Octobris anno domini milleſimo quingenteſimo octuageſimo primo Conuicti et ſforiſſacti decernebantur. Prefatus tamen *Johannes Marrei Comes* certo intelligens dictum Anguſie Comitem ea frui conditione et ob cauſas preſcriptas noſtrum incurriſſe indignationem, ipſum nihilominus in Caſtrum noſtrum de Sterling intromiſit, recepit, familiari tractauit, pactiones, Conſpirationes, diuerſas conſultationes et concluſiones ſecum iniit et deliberauit; in magnum noſtri contemptum tocius patrie communiſque pacis perturbationem atque adeo ne adhuc ſatiſſactus; immo vltra perſiſtens, non modo in regni huius vniuerſam ſubuerſionem, ſed noſtre quoque ſaluti et auctoritati regie periculum intulit. Poſtquam, Deo optimo maximo fauente, noſter conſanguineus fidelis honeſtus, virtutis exuperancia preſtans et Chriſtiane Religionis profeſſor ſincerus, quondam Eſinus Leuinie Dux, chariſſimus noſter amicus, e ſua natiua patria Gallia profectus, ſe huc appulit inviolabilem ob ingentem zelum ſue erga nos obſeruantie: In qua, cum ſe fidiſſimum, integerrimum et obſequentiſſimum declarauerat, et in nos fidelis animi ſui officio probe functus eſſet, proditorium ſcelerum et Coniurationum preſcriptarum male conſcios ſeſe intelligentes, in eiſdem inueſtigandis patefaciendiſque, metuentes prefatum quondam nobilem dominum Ducem grauiter operam adhibiturum ob noſtram ſalutem et incolumitatem atque ipſius ſedulitate et integritate, reliquos Conjurationis impetus et conatus retardari pertimeſcentes pergere, nunquam deſtiterunt donec proditorie conſpirarent: Cum quondam Wilelmo olim Comite Gowrie domino Ruthwene, nobilem noſtram perſonam apprehendere et captam detinere apud Caſtrum illius

de Ruthwene, et hoc ſuper viceſimo tertio die menſis Auguſtj, anno dominj milleſimo quingenteſimo octuageſimo ſecundo; eodemque tempore fidos et dilectos noſtros Conſules alioſque probos ligeos nobis inſeruire appropinquantes, pro ipſorum internecione et cede, crudeliſſime inuaſerunt et vulnerarunt; tunc quoque Conſulum et aliorum fidelium ſubditorum noſtrorum quoſdam captiuos ceperunt et cuſtodierunt, ordinarios remouerunt, Precepta noſtra, nobis repugnantibus, dicto quondam chariſſimo et fideliſſimo noſtro conſanguineo dirigere impulerunt, eum inaudita celeritate huius regni finibus exterminandum curauerunt, perſonam noſtram ad ſui animi libidinem et deſiderium (magna ſuorum ſociorum caterua) ſtipatam, huc atque illuc deduxerunt per ſpacium decem menſium deinde ſequentium: Inſtituto certiſſimo et mente deliberata hujuſmodi jugo ſeruitutis imperpetuum nos implicare et retinere, niſi ineffabili Omnipotentis beneuolentia et auxilio noſmet ipſos hinc abdicaremus viceſimo ſexto die menſis Junii proxime elapſis. Que impia facinora jam explorata et proditiones nefande jam patefacte, certiſſima ſunt indicia et argumenta, ipſos ab initio fuiſſe fautores, defenſores et promotores, talium qui reuera conſpirauerunt contractum inierunt, ſubſcripſerunt et perpetrauerunt crudeliſſimam chariſſimi quondam noſtri patris cedem. Quamobrem quidam ab hinc mortem condigne vt preſcribitur perpeſſi ſunt: Ex ſupradictis etiam ſole meridiano clarius patet, eos ipſos malicioſe et maxime proditorie contra nos, noſtram ſalutem, dignitatem, coronam et auctoritatem regiam, ſemper coniurauiſſe, clementia tamen ineffabilj humanitate modeſtiaque tanta in libertatis noſtre recuperatione leniter ſumus vſi, vt proditorie illius noſtre captiuitatis et diuturne cuſtodie, ne quiſpiam author aut capitis periculum aut terrarum, bonorum jacturam vllam ſuſtinuiſſe aut incurriſſe videatur; atque adeo preſcripta ſcelera omnia et proditiones impiiſſime per dictos Anguſie et Marrie Comites ſuoſque ſocios, conſceleratos proditores particulariter ante nominatos, commiſſe, miſericordia et lenitate noſtra floreſcente, partim tunc temporis, venia data, obumbrate et invlte preterierunt, partim in dicto Parliamento in prefato Caſtro tento pro fideli ſeruitio approbate, alioquin naturali clementia et manſuetudine noſtra remiſſe ſimpliciter et imperpetuum obliuioni tradite condonobantur: Quibus benemeritis et gratitudinibus cujuſpiam fidelis et grati ſubdit(i ?) montem (mentem ?) concitarj ac inflammari maxime decuit non modo manibus pedibuſque ob .... omnia facere vt viciſſim obſequij ſui et debite erga nos obſeruancie fructum aliquod perciperemus, quinetiam cuiuis flagitio et proditorio ſceleri nobis noſtre auctoritati et liegibus repugnanti ſeſe totis viribus opponere et obluctari ſummopere oportuit. Nihilominus, contemptis et ſpretis hiſce omnibus, prefatus *Archibaldus Angusi Comes, Johannes Comes de Mar, Agnetam Drummond Comitissa de Mar*, eius ſponſa, *Annibalem Murray Comitissa de Mar senior* mater dictj Comitis, Thomas Lyoune de Baldukye Magiſ-

ter et Tutor de Glammis, Agnis Gray Domina Hwme eius ſponſa, Margareta Lyoune Comitiſſa de Caſſillis eius ſoror, Dorothia Stewart Comitiſſa de Gowrie, Dauid Erſkin Commendatarius de Dryburgh, Adamus Erſkin Commendatarius de Cambuſkynneth, Wilelmus Erſkin Commendatarius de Paiſlay, Joannes Carmichall de eodem junior, Hugo Carmichall eius filius, Patricius Drummond apparens de Carnok, Johannes Leſlie de Balquhane, Magiſter Wilelmus Leſlie eius frater, Wilelmus Leſlie (Robertus Erſkin?) apparens de Littil Sauchye, Magiſter Jacobus Erſkin eius frater, Georgius Dowglas de Parkheid, Jacobus Dowglas et Georgius Dowglas eius filij, Jacobus Dowglas de Todhoillis, Johannes Dowglas de Glaſpin, Wilelmus Dowglas de Boncle, Wilelmus Dowglas eius filius, Wilelmus Dowglas de Rountrecorſe, Wilelmus Connyghame filius natu ſecundus dominj Drumquhaſſill, Michael et Wilelmus Elphingſtones fratres Robertj dominj de Elphingſtoun, Johannes Lyoun junior de Coſſynnis, Jacobus Lyoun de Eiſter Ogill, Wilelmus Ogill (Lyoun) de Balgillie, Johannes Levingſtoune de Dunypace junior, Magiſter Johannes Coluile precentor de Glaſgow, Magiſter Patricius Quhitelaw de Newgrange, Hugo Neſbit de Raſchehill, Patricius Home de Argatheis, Johannes Leſlie de Largie, Johannes Leſlie de Authorteis alias Bannachie, Robertus Dowglas junior de Lochlevin, Laurentius Magister de Oliphant, Vthredus M^c^Dowgell de Garthland, Vthredus M^c^Dowell eius filius et heres apparens, Jacobus Hammiltoune de Haggis, Robertus Hammiltoun de Corſe, Johannes Magiſter de Forbes, Johannes Arbuthnot junior de Lyntuſk, Arthurus Hammiltoun de Boithuelhauch, Jacobus Mwrray de Pardoves, &c. Cum ſuis complicibus, ſocijs et fautoribus, ex ipſorum cauſatione, directione, miſſione, receptione, juſſu, affiſtentia et ratihabitione, perſeuerantes in ſuis proditorijs determinationibus et concluſionibus aduerſum nos, noſtram perſonam, auctoritatem et regiam coronam ſuſceptis, in menſibus Novembris, Decembris, Januarij, Februarij, Marcij et Aprilis proxime elapſis, maxime proditorie intercommunicarunt, tractauerunt, conſultauerunt, deliberarunt, et mediantibus quibuſdam perſonis, tandem concluſerunt cum dicto quondam Wilelmo olim Comite Gowrye, ſuper nefanda et proditoria actione, ad intercipiendum et manus violentas imponendum in perſonam noſtram nobilem, vt iterum more ſolito, eorum ditioni et poteſtati facilius nos aſtricti contra noſtre mentis libitum, ipſorum voluntati et libidini omnino obtemperaremus, atque adeo ad cruentas manus inferendum in perſonas noſtrorum nobilium Conſulum et fidelium ſubditorum perniciem, ad vniuerſam reipublice diſturbationem et authoritatis noſtre ſubuerſionem. Poſt multas tandem priuatas Conjurationes, literarum hinc inde miſſionem et receptionem per nuncios habitam cognitionem et proditorias ac nefarias ſuas conſpirationes facilius ad effectum perducerent, demum antedicti proditores ſuique complices, decimo ſeptimo, decimo octauo, decimo nono, viceſimo, viceſimo primo, viceſimo ſecundo, viceſimo

tertio, viceſimo quarto, et viceſimo quinto diebus menſis Aprilis vltimo elapſis, in vnum armati conuenerunt, ac liberum burgum noſtrum de Striveling expugnarunt et ceperunt, Balliuos magiſtratuſque eiuſdem captiuos deduxerunt, Pontem, campanile, diuerſaſque partes dicti burgi fortiter munierunt, mercerarios milites conuocarunt vndique juxta Auſtralia menia viam facilem per vicinos parietes adiacentes patefecerunt, prope ſcholam murum ſaxis et lapidibus congeſtis extruxerunt, cuius pars ad huc indiuulſa permanet, Caſtrum noſtrum de Striveling ſumma vi ſtrenuo oppugnarunt, paucos noſtros fideles ligeos eiuſdem cuſtodes idem ipſum derelinquere et ſeſe dedere compulerunt, quos deinde tanquam captiuos arctiſſime mandauerunt cuſtodie, Johannem Gledſtanes Ormond Signeferum, alioſque noſtros nuncios, qui literas noſtras publice proclamare apud forum dicti liberi noſtri burgi dirigebantur, eaſdem debite executioni mandare impedierunt, atque eas ab ipſis violenter ſurripuerunt, Proclamationes publicas fieri ad milites ſtipendiarios conducendum effecerunt; expreſſe contra Parliamentj Statuta, et in manifeſtam legum violationem: Perpetratiſque hiſce omnibus nedum flagitijs ſaginati aut ſatiſfacti, prefatum noſtrum Caſtrum de Sterling armatis viris, prouiſionibus bellicis ac cibarijs compleuerunt, et ſtrenuo munierunt, certo propoſito et animo deliberato idem ipſum contra nos auctoritatemque noſtram regiam pertinaciter et proditorie detinere ac tueri. Quaquidem occaſione merito, nos commoti, ad expugnationem et recuperationem dicti Caſtri et burgi, exercitum ſedulo conuocauimus atque ipſi diligenter proceſſimus: hinc audacter et temerarie crimen ſumme proditionis et Leſemaieſtatis committendo, in magnum noſtre auctoritatis contemptum et legum violationem. Atque adeo, pro ſua proditoria celatione et occultatione predicte Coniurationis, conſultatione, concluſione, contractu et executione eiuſdem: Ideoque dictos Archibaldum Anguſie Comitem, Johannem Comitem de Mar, Agnetam Drummond Comitiſſam de Mar eius ſponſam, Annibalem Murray Comitiſſam de Mar ſeniorem, matrem dicti Comitis, &c. Conſpiratores, proditorioſque executores ad videndum et audiendum ſeſe et eorum quemlibet, reſpectu premiſſorum, crimen Leſemaieſtatis incurriſſe, per nos et trium regni noſtri ſtatuum decretum decerni et declarari; et ſuper predictis et alijs quamplurimis rebellionibus, tranſgreſſionibus et proditorijs criminibus, per prenominatas perſonas contra nos regnum noſtrum et auctoritatem regiam impie ac nefarie perpetratis; et dictis die et loco, cum continuatione dierum, proponendis et oſtendendis ac juri parendum et ſuper hujuſmodi judicium noſtrum et noſtri Parliamenti, ſecundum leges regni noſtri expectandum et ſubeundum, dictas viz perſonas, Conſpiratores, perpetratores et celatores criminum precedentium reſpectiue, ad videndum et audiendum ſeſe et eorum quemlibet, intuitu premiſſorum, crimen Leſemaieſtatis incurriſſe, per nos et trium regni noſtri ſtatuum decretum decerni et declarari; et propterea ipſo-

rum bona mobilia et immobilia, tam terras quam officia, aliaſque res ad eos ſpectantes, nobis confiſcari et properpetuo nobiſcum in proprietate remanere, perſonaſque ſuas penam proditionis et vltimi ſupplicii a regni noſtri legibus inflictam ſubire: Et vberius in premiſſis reſpondendum et imparendum intimando ſupradictis Conſpiratoribus et eorum cuilibet, quod ſiue dictis die et loco cum continuatione dierum comparuerunt ſiue non, Nos dictuſque noſtri Juſticiarius, in premiſſis juſticia mediante, procedemus et procedet. INSUPER citetis, &c. ad comparendum coram nobis noſtroue Juſticiario dictis die et loco, cum continuatione dierum, ad perhibendum fidele teſtimonium in cauſa predicta, ſub pena legis; et preſentes literas debite executas et indorſatis earundem latori reddatis: Et vos qui preſentes executi fueritis ſitis ibidem dictis die et loco coram nobis ſeu dicto noſtro Juſticiario, portantes vobiſcum ſunmonitionis veſtre teſtimonium in ſcripto pro premiſſis ſeu ipſos teſtes. Ad quod faciendum vobis et veſtrum cuilibet conjunctim et diuiſim vicecomitibus noſtris in hac parte committimus poteſtatem. DATUM ſub Teſtimonio noſtri Magnj Sigilli, Apud Edinburgh viceſimo quinto die menſis Maij, anno domini milleſimo quingenteſimo octuageſimo quarto et regni noſtri decimo ſeptimo.

Quhilkis haill perſounis abonevrittin war thrie ſindrie tymes oppinlie callit at the tollbuyth wyndok, and nane of thame compeirand [exceptand Dame Anabill Murray Countes of Mar elder, Dame Agnes Drummond Countes of Mar ȝounger, Dame Dorathie Stewart Countes of Gourie, Williame Elphingſtoun, Johne Leſlie of Authorteis, Williame Dowglas of Bonkle elder, quho offerit thame to the tryell anent the poyntis contenit in the ſummondis of Treſſoun; quhome the Eſtaitis of Parliament ordanit to reteir to þair lugeingis, thairin to remane quhill the morne at aucht houris, and thay than to compeir befoir the Kingis Maieſtie and Lordis of Articles, to anſuer to the ſaid ſummondis,] and immediatlie þairefter the ſaid Aduocat producit Richard Bynning, &c. meſſingeris, executoris of the ſaid ſummondis, quha maid fayth that thair ſaid executiounis, as thay beir, ar iuſt and trew, &c. Efter the verificatioun of the quhilkis executionis, the ſaid Mr Dauid Makgill, aduocat, producit thir twa wrytingis following, ſubſcriwit be the Kingis Maieſtie, off the quhilkis the tenouris followis:

Warrant to delete Robert Erskin of Lytill Sauchie from the Summondis.

'REX.

'MR DAUID MAKGILL of Neſbet our aduocat: Forſameikle as we vnderſtand that thair is ane ſummondis of Treſſoun directit aganis diuerſſe perſonis, ffor the late tumult and rebellioun laitlie committit aganis ws, and that our ſeruitour Robert Erſkene is chargeit thairwithe to compeir in our nixt Parliament, to be foirfalt ffor the cauſſes contenit in the ſaid ſummondis: Newirtheles, remembering the ſaid Robertis gud and thankfull ſeruice done to ws of beſoir, and for certane gud conſiderationis, we ar mowit nocht to inſiſt aganis him in our nixt Parliament, be the ſaid ſummondis raſit aganis him; that ȝe deleit his name furthe of the ſamin and executionis þairof, to the effect he be nocht

trublit þairby in ony fort; ȝe kepand þir pointis for ȝour Warrand. Subfcriwit with our hand, at Edinburghe, the xx day of Auguft, and of our reinge þe xvij ȝeir 1584.

(Sic fubfcribitur) 'JAMES R. Montroise, James Stewart, Blantyir.'

Heir followis the tennour of the vther wryting:—

Warrant to delete Makdowgalls of Garthland from Summondis.

'Our Advocat we greit ȝow weill: Forfamekle as pairis fummondis of Treffoun rafit and execut at our and ȝow our Aduocatis inftance in our name, aganis Vthreid M'Dowgall of Garthland, and Vthreid Makdowgall his fone and apperand air, ffor the treffonable fuppryfing and taking of our Caftell and toun of Strineling, being in cumpanie with diuerffe our confpiratoris contenit in the fummondis rafit þairvpoun; at the leift, art and pairt þairof: ffor diuerffe reffonabill caufes and confiderationis moveing ws, it is our will that ȝe extinct and deleit furthe of the faid fummondis the faidis Vthreid M'Dowgall and his fone, and pas fra that pairt of the faid fummondis, fafer as concernis thame, for the faid cryme or ony vther crymes mentionat in the faid fummondis; difchargeing ȝow of all perfewing or infifting aganis thame for the famin, and of ȝour office in that pairt. As alfua difcharges the Lordis of our Parliament, our Juftice generall and his deputis, of all proceding aganis thame ffor the premiffes, fimpliciter. Subfcriwit with our hand at Edinburgh, the nyntene day of Auguft, the ȝeir of God I .V^c.lxxxiiij ȝeiris.

(Sic fubfcribitur) JAMES R.

And according to the command of the faidis twa wrytingis, the faid Aduocat, in prefens of the Kingis Maieftie and Lordis of Articles of this prefent Parliament, paft fra the perfute of the faidis Vthrid M'Dowgall of Garthland, Vthrid M'Dowgall his fone and apperand air, and the faid Robert Erfkene of Lytill Sauchy: And thairfoir þair faidis thrie nemmis of command foirfaid war prefentlie deleit furthe of the faid fummondis of foirfaltour: Wpoun the productioun of the quhilkis twa wrytingis and deleting of thame furthe of the faid fummondis, the faid aduocat afkit inftrumentis, and immediatlie þaireftir, the Kingis Maieftie being perfonalie prefent, commandit the faid Mr Dauid Makgill, his hienes aduocat, to pafs fra the perfute of the faidis Johne Levingftoune ȝounger of Dinnypace, William and Michaell Elphinftonis brether to the Lord Elphingftone, Williame Dowglas of Bonkle, and Williame Lyoun of Bagillie: And ficlyk, commandit the faid Clerk of regiftri and his deputis to deleit thame furthe of the faid fummondis of Foirfaltrie: Quhilkis war prefentlie done, in prefens of the Kingis Maieftie and Lordis of Articles, be the faid aduocat, and Alexander Hay, Clerk of regiftri; and þairvpoun þe faid aduocat afkit inftrumentis. And ficlyk, Johne Leflie of Authorteis alias Bennachy, being perfonalie prefent, producit ane Remiffioun grantit be our fouerane lord, vnder his hienes greit feill, Remittand the faid Johne the foirfaid cryme and Treffoun contenit in the faid fummondis of Foirfaltour led aganis him: In refpect of the quhilk, the faid aduocat inlykuayis paft fra þe perfute of the faid Johne Leflie; quhairvpoun the faid Johne afkit inftrumentis.

Quhilk Summonds, with the executions and indorfationis thairof refpectiue foirfaidis, being red firft in prefens of the Lordis Commiffionaris of Parliament, vpoun the faid xx day of Auguft inftant, and ficlyk vpoune the xxj day of the famyn moneth thaireftir, fpecialie depute be his hienes Commiffioun for haldin thairof, firft in Latene and thaireftir in Scottis; and the haill perfones defendaris abonewrittine, being diuerffe and fyndrie tymes callit at the tolbuith windok, to haue comperit and anfuerit to the faid fummondis, and nane of thame comperand, (exceptand the faidis Deame Annabell Mwrray Countes of Mar elder, Deame Agnes Drummond Countes of Mar ȝounger, Deame Dortha Stewart

Countes of Gowrie,) the ſaid aduocat, for verificatioun and probatioun of the foirſaidis executionis and indorſationis of the ſaid ſummondis, repetit the Actis maid the ſaidis xx and xxj dayes of Auguſt inſtant: As the ſamyn, ſchawin and producit before the Kingis grace and thrie Eſtatis of this preſent Parliament proportit. And ſiclyk thaireftir, the foirſaidis haill perſones defendaris being of new oftymes callit at the ſaid tolbuith windok to haue comperit before the ſaidis Lordis of Articles, and defendit the ſaid ſummondis the foirſaid xx and xxj dayes of Auguſt inſtant rex^ue^ with continewatioune of dayes, and thay beand oftymes callit and nocht comperand, (exceptand as ſaid is,) the ſaid aduocat deſyrit the ſaidis Lordis of Articles Declaratioune, gif the reſſones of the ſaid ſummondis war relevant or nocht: Quha than declarit the ſamyn to be relevant, vpoune the ſaid xxj day of this inſtant moneth: At the quhilk tyme the ſaid aduocat producit the haill wryttis and repetit the haill probationis contenit in the Actis maid the day foirſaid in preſens of the Lordis of Articles, for probatioune of the ſaid ſummondis. Quhilkis Lordis of Articles thaireftir fand the ſaid ſummondis ſufficientlie prowine aganis the perſones vnderwrittin.—And in ſemblable maner, the ſaid haill ſummondis with the executionis and indorſationis thairof, being red baith in Scottis and Latene, in preſens of the Kingis grace and thrie Eſtatis of this preſent Parliament, and the foirſaidis haill perſones defendaris being of new callit, as of before, ſyndrie tymes at the ſaid tolbuith windok, and nane of thame comperand (exceptand as ſaid is) and the haill wryttis and vtheris probationis producit be him the day immediatlie ofbefore, quhilk he now lykwayes producit and repetit the ſamyn to our ſaid ſouerane lord and thrie Eſtatis foirſaides, for prewing of the pointtis and articles contenit in the ſaid ſummondis, and thairfore deſyrit farther proces in the ſaid caus. And thaireftir, the ſaid ſummondis with the probationis foirſaidis, being firſt ſene, conſiderit and aduiſit be the ſaidis Lordis of Articles, and now preſentlie be the Kingis grace and thrie Eſtatis of this preſent Parliament: Quha findis and declaris that the haill reſſoun of the ſaid ſummondis are relevant and ſufficientlie prowin aganis the perſones particularlie vnderwrittine, and ilk ane of thame for thair awin pairt: And Ordanes Dome to be pronuncit and gevin thairvpoune, be the mowth of Andro Lyndſay dempſter of this preſent Parliament, depute and ſworne thairto ofbefore; of the quhilk Dome the tennour followis, pronuncit be the ſaid Andro Lyndſay:

DOME *and* SENTENCE *against the* EARLS *of* ANGUS *and* MAR *and their above mentioned accomplices.*

(Aug. 22.)—This Court of Parliament ſchawis for law, that the ſaidis Archebauld Erle of Angus, Johnne Erle of Mar, Dame Agnes Drummond Countes of

Mar ȝounger, Maifter Thomas Lyoune of Baldukye Maifter of Glammis, Dame Margaret Lyoune Countes of Caffillis, Dame Dorathia Stewart Countes of Gowrye, Adame Commendatar of Cambufkynneth, Dauid Commendatar of Dryburch, Williame Commendatar of Palflay, Maifter James Erfkin brother to Robert Erfkin apperand of Littil Sauchie, Johnne Leflie of Balquhane, George Dowglas of Parkheid, James and George Dowglaffe his fones, James Dowglas of Todhoillis, Johnne Dowglas of Glafpene, William Dowglas fone and apperand air to Williame Dowglas of Bonkle, Patrik Drummond apperand of Carnok, Johnne Carmichale of that Ilk, Hew Carmichall his fone and apperand air, William Carmichall of Rantrecorfe, Johnne Lyoune ȝounger of Coffynis, James Lyoune of Eiftir Ogill, Hew Neflit of Rafchehill, Patrik Home of Argathies, Johnne Leflie of Largie, Robert Hammiltoune of Corfe, Arthour Hammiltoune callit of Boithwelhauch, Mr Johnne Cohill chantour of Glafgow, Mr Patrik Quhytelaw of Newgrange, Johnne Arbuthnot apperand of Lyntufk, and James Mwrray of Pardows, and euerilk ane of thame, hes committit and incurrit the crymes of Treffoune and Lefemaieftie, in the haill pointtis and articles contenit in the faid fummondis, berand as is abonewrittine: And thairfore decernis and declaris all thair guidis movable and vnmovable, alfweill landis as offices and vtheris quhatfumeuer belonging to thame, to be confifcat to our faid fouerane lord, and remane perpetualie with his hienes in propertie for euer: And thair perfones to vnderlye the pane of Treaffoune and laft pwneifment appointit be the lawis of this realme: And this I gif for Dome. Vpoune the quhilk declaratioune and pronunciatioune foirfaid, the faid aduocat afkit inftrumentis.

The quhilk day the Kingis grace and thrie Eftatis of this prefent Parliament continewis that pairt of the fummondis of Treaffoune dewlie execute and indorfate, perfewit be his hienes Juftice and Aduocat aganis *Deame Annabell Mwrray Countes of Mar elder*, *Deame Agnes Gray Ladye Home* fpous to the faid Mr Thomas Lyoune of Baldukye Maifter of Glammis, *Lawrence Maister of Oliphant*, *Johnne Maister of Forbes*, *Robert Dowglas* (*younger*) *of Lochlewin* ȝounger, and *James Hammiltoun of Haggis*, tuiching the decerning of thame to haue incurrit the crymes of Treffoun and Lefemaieftie, ffor the caus fpecefeit in the faid fummondis; as at mair lenth is contenit thairintill, in the famyn forme, force and effect as it is now, but preiudice of partie, vnto the xx day of September nixttocum, with continewatioun of dayes; and than farder proces to be hade þairintill; at the quhilk day, Ordanis the faid aduocat to produce fic wryttis, rychtis, reffones, documentis and probationes, as he hes or will vfe, for prewing of the faid fummondis agane the faid day, fafar as concernis thair pairtis thairof: Quhairwpoune the faid aduocat afkit inftrumentis.

High Treason — Raid of Ruthven — Forfeiture.

Aug. 22.—JOHNNE ROSS of Cragie, as brother and apparent heir or fucceſſor of the deceaſed James Roſs of Pettheavles.[1]

The quhilk day Maiſter Dauid Makgill, aduocat to our ſouerane lord, exhibite and producit lyke as he did ſyndrie tymes ofbefore, the ſummondis of Treſſoune vnderwrittin, raſit and perſewit at the inſtance of our ſouerane lord and his hienes Juſtice aganis Johnne Roſs of Cragie, as brother and apperand air or ſucceſſour to vmq^le James Roſs of Pettheifles; quhairbye he was ſummoned to haue comperit before the Kingis Majeſtie and his Eſtatis, the xx day of Auguſt inſtant, with continuewatioune of dayes, in his hienes Parliament to haue begune the ſaid day, in the hour of caus, with continewatioune of dayes; to haue anſwerit vpoune the pointtis of Treaſſoune and Leſemaieſtie vnderwrittine, contenit in the ſaid ſummondis, committit be his ſaid vmq^le brother: And thairfore, the ſaid Johnne to haue hard, that the ſaid vmq^le James committit the cryme of Treaſſoune in his lyvetyme, for the caus vnderwrittine, &c. As at mair lenth is contenit in the ſaid ſummondis. Off the quhilk the tennour followis:

SUMMONS *of* TREASON *againſt Johnne Roſs as brother of James Roſs.*

JACOBUS dei gratia Rex Scotorum, dilectis noſtris Leoni Regi Armorum, Ilay, Albany, Roſs, Rotheſay, Snawdoune, Merchemond; Heraldis; Johanni Ferguſſoun, Roberto Stewart, Archibaldo Dowglas, Dauidi Bryſſoun, clauigeris; Ormond, Bute, Vnicorne, Carrik, Signiferis; Richardo Bynning, Joanni McLowren, &c., nunciis et eorum cuilibet, coniunctim et diuiſim, vicecomitibus in hac parte, ſalutem. Mandamus vobis et precipimus quatenus ſummoniatis legitime et peremptorie, coram teſtibus, Johannem Roſs de Cragye, fratrem germanum et apparentem heredem vel ſucceſſorem quondam Jacobi Roſs de Pettheveles, perſonaliter ſi eius perſonalem preſentiam commode habere poteritis, alioquin apud locum eius habitationis, necnon omnes alios et ſingulos intereſſe habentes ſeu pretendentes, per publicam proclamationem apud cruces forales burgorum noſtrorum de Edinburgh, Perth aliaque loca neceſſaria, ita quod hujusmodi ſummonitio ad eorum aures veriſimiliter peruenire poterit, ad comparendum coram nobis noſtroue Juſticiario, viceſimo die menſis Auguſti proxime futuri, hora cauſarum, cum continuatione dierum, in Parliamento noſtro tenend. apud Edinburgh, ... die menſis eiuſdem, ad reſpondendum nobis ſeu noſtro Juſticiario in prefato Parliamento, et ad videndum atque audiendum per nos et trium regni noſtri ſtatuum, decretum et ſententiam decerni dictum quondam Jacobum Ros de Pettheveles crimen Leſemaieſtatis in ipſius vita commiſiſſe, ob eius proditoriam artem, partem, auxilium, conſilium, juvamen et aſſiſtentiam per ipſum preſtitam et exhibitam, in nefaria illa Conſpiratione cum quondam Wilelmo olim Comite Gowrye domino Ruithwene, in proditoria interceptione ac manus violentas iniectione in perſonam noſtram, apud illius Caſtrum de Ruithwene, ſuper viceſimo tertio die menſis Auguſti anno dominj milleſimo quingenteſimo octuageſimo ſecundo: Atque adeo, ob illius preſcientiam, occultationem et concelationem eiuſdem Conſpirationis, vbi dictus quondam Wilelmus olim Comes de Gowrie, Johannes Comes de Mar, Magiſter Thomas Lyoune de Baldukye Magiſter ac Tutor de Glammis et prefatus quondam Jacobus Roſs, cum diuerſis alijs ſuis complicibus, conſilium proditorie inierunt, deliberarunt, finaliter et ad effectum perduxerunt nefandum ac proditorium illud facinus, in apprehenſione noſtre nobilis perſone apud Ruithwene tempore antedicto: In quoquidem

[1] From the Records of Parliament. Acta III. 344.

Caſtro, violenter nos detinuerunt ac cuſtodierunt, contra noſtre mentis libetum et voluntatem, per ſpatium diuerſarum dierum et noctium; inde crimen ſumme proditionis committendo. Eodemque tempore, fidos et dilectos noſtros Conſules ac alios probos ligeos nobis inſeruiendi ſtudio appropinquantes, pro ipſorum interecione ac cede inuaſerunt et crudeliſſime vulnerarunt; tunc quoque Conſulum et aliorum fidelium ſubditorum noſtrorum quoſdam, velut captiuos ceperunt et cuſtodie mandarunt, ordinarios Gardie noſtre milites remouerunt, Precepta noſtra nobis repugnantibus chariſſimo et fideliſſimo conſanguineo noſtra quondam Eſmo Leuinie Duci dirigere impulerunt vt quam citiſſime hinc diſcederet, eumque inaudita celeritate huius regni finibus exterminandum curauerunt, perſonam noſtram ad ſui animi libidinem et deſiderium, magna ſuorum ſociorum caterua ſtipatam continuo huc atque illuc deduxerunt, per ſpatium decim menſium deinde ſequentium: Inſtituto certiſſimo et mente deliberata hujuſmodi jugo ſeruitutis imperpetuum nos implicare et retinere, niſi ineffabilj Omnipotentis auxilio et beneuolentia noſmet ipſos hinc abdicaremus: Hinc manifeſtiſſime crimen Proditionis et Leſemaieſtatis committendo contra nos regalem noſtram authoritatem et in apertam legum violationem. Et propterea, ad videndum et audiendum nomen, memoriam et dignitatem dicti quondam Jacobi Roſs de Petthevelcs extinctam fore et eſſe decerni, armaque ſeu inſignia ſua e libro Armorum et nobilitatis deleri et cancellari, ita quod ipſius poſteri ab officijs et honoribus in hoc regno noſtro gaudend. ſint inhabiles et incapaces deinc imperpetuum; atque omnia bona ſua terras et officia confiſcari et nobiſcum deinceps in proprietate remanere; intimando ſupradicto Johanni Roſs de Cragie fratri ac heredi ſeu ſucceſſori antenominato, alijſque quibuſlibet intereſſe habentibus, quod ſiue compareant ſiue non, dictis die et loco, cum continuatione dierum, Nos et Juſticiarius noſter nihilominus juſtitia mediante procedemus et procedet: Et preſentes literas debite executas et indorſatas earundem latori reddatis: Et vos qui preſentes executi fueritis ſitis ibidem, dictis die et loco, coram nobis vel Juſticiario noſtro portan. vobiſcum veſtre ſummonitionis teſtimonium in ſcriptis, pro premiſſis vel ipſos teſtes. Ad quod faciendum, vobis et veſtrum cuilibet, coniunctim et diuiſim, vicecomitibus noſtris in hac parte, committimus poteſtatem. Apud Edinburgh, viceſimo quarto die menſis Junij, anno domini milleſimo quingenteſimo octuageſimo quarto et regnj noſtrj decimo ſeptimo.

Quhilk ſummondis with the executionis and indorſationis thairof, being red firſt in preſenſe of the Lordis Commiſſionaris of Parliament, vpoun the ſaid xx day of Auguſt inſtant, and ſiclyk vpoun the xxj day of the ſamyn moneth thairefter, ſpecialie depute be his hienes Commiſſioune for halding thairof, firſt in Latene and thairefter in Scottis: And the ſaid Johnne Roſs of Cragie comperand, quha was content tryell war tane vpoune the pointtis of the ſaid ſummondis: The ſaid aduocat, for verificatioune and probatioune of the foirſaidis executionis and indorſationis of the ſaid ſummondis, repetit the actis maid the ſaidis xx and xxj dayes of Auguſt inſtant, as the ſamyn ſchawin and producit before the Kingis grace and Lordis of Articles proportit. And thairefter the ſaid ſummondis, with the probationis foirſaidis, being firſt ſene, conſiderit and aduiſit be the ſadis Lordis of Articles and now preſentlie be the Kingis Maieſtie and thrie Eſtatis of this preſent Parliament: Quha findis and declaris, that the haill reaſſoune of the ſaid ſummondis is relevant and ſufficientlie prowine aganis the ſaid vmq^te James Ros. And thairfore ordanis Dome to be pronuncit and gevin thairvponne, be the mowth of Andro Lyndſay dempſter of this preſent

Parliament, depute and ſworne thairto of before: Off the quhilk Dome the tennour followis, pronuncit be the ſaid Andro Lyndſay.

Dome of Forfeiture. This Court of Parliament ſchawis for law, that the ſaid vmq^le James Roſs of Pettheveles committit the cryme of Leſe-maieſtie in his lyftyme, in the haill pointtis and articles contenit in the ſaid ſummondis berand as is abonewrittin: And thairfore, decernis and declaris the ſaid vmq^le James his name, memorie and honouris to be extinct, and his armes to be revin furth and deleit out of the buik of armes, ſwa that his poſteritie newir haue place nor be hable heireftir to bruik or joiſe ony office, honouris or digneteis within this realme, in ony tymes cumming:[1] And all his guidis, landis, offices to be confiſcat and remane perpetuallie with his hienes in propertie, for euer: And this I gif for dome. Quhairwpoune the ſaid aduocat aſkit inſtrumentis.

The quhilk day Johnne Ros of Cragie proteſtit, that quhatſumeuer thing done this inſtant day aganis vmq^le James Ros of Pettheveles his brother, preiuge nocht him anent his landis, reuerſionis, ro mes, poſſeſſionis, ſteadingis and rychtis quhatſumeuer pertening to his ſaid vmq^le brother: And ſpecialie, anent the landis of Pettheveles, and the Reuerſioune thairof quhilk he hes of the ſamyn: In reſpect he hes euir remanit, at all tymes bigane, our ſouerane lordis trew lege and ſubiect; and knew nathing of his ſaid vmq^le brotheris doingis nor procedingis: And þairwpoune aſkit inſtrumentis.

High Treason — Raid of Ruthvene, &c.

Aug. 22.—Oliuer Peiblis of Chapelhill,[2] Jeane Thornetoune his ſpous, and James Marſchell of Petcarnis.

The quhilk day, the Kingis grace and thrie Eſtatis of this preſent Parliament continewis the ſummondis of Treaſſoune execute and indorſate, perſewit at the inſtance of his Maieſtie, his hienes Juſtice and Mr Dauid Makgill his hienes aduocat, tuiching the decerning of thame to haue committit and done certane pointtis of Treaſſoune and Leſemaieſtie: As at mair lenth is contenit in the ſaid ſummondis raſit þairwpoune, in the ſamyn forme, force and effect as it is now, but preiudice of partie, vnto the xx day of September nixttocum, with continewatioun of dayes; and thane farder proces to be hade þairintill as accordis: At the quhilk day ordanes the ſaid aduocat to produce ſic wryttis, rychtis, reſſones, documentis and vtheris probationis quhilkis he hes or will vſe, for prewing of the pointtis of the ſaid ſummondis aganes thame agane the ſaid day. Quhairwpoune the ſaid aduocat aſkit inſtrumentis.

[1] An Act was passed in Parliament, Aug. 22, 'for diſherefing of þe poſteritie of the perſonis that ar or ſalhappin to be convicted of the treſſounable attemptat at Striueling.' [2] He appears in Parliament, as Commissioner for the burgh of Perth, Jun. 12, 1590, and Mar. 3, 1596.—From Records of Parliament, III, 316.

[*Mr Edward Bruce and Mr William Oliphant, Justices-Deputes.*]

Slaughter.

Jul. 2.—George Thomesoun, minister at Innerkip, George Maxwell of Newwerk, Robert Maxwell his serwand, Johnne Maxwell in Kulroise, Johnne Moresoune in Park, and Arthour Moresoun thair.

Dilaitit of airt and pairt of the crewall slauchter of vmq^le^ Robert Muntgumrie of Skelmurelie, and of vmq^le^ Williame Muntgumrie his sone and appeirand air; committit in Apryle lastwas.

[*Mr Edward Bruce, Justice-Depute.*]

Slaughter.

Jul. 3.—Johnne Quhytefurde of that Ilk, Adam Quhytfurde, 3ounger of that Ilk, Thomas Quhytfurde his broder, Robert Muntgumrie of Skelmurelie, Williame Cochrane of that Ilk, Williame Mudye, burges of Paislay, Robert Sempill, burges yair, James Wilsoun, serwand to the Laird of Cochrau, Gilbert Smyth, broder to Andro maister of Sempill.

Dilattit of airt and pairt of the crewall slauchter of vmq^le^ Patrik Maxwell of Stanelie, committit in Januar lastwas.

Preloquitouris for the Pannell.

The Maister of Eglingtoune, The Maister of Sempill, The Laird of Cauldwall, The Laird of Heiffilheid.
Mr Johnne Scharp, Mr Johnne Skene, Mr Johnne Prestoune,

Persewaris.

James Maxwell of Calderwood, The Laird of Craigance, Johnne Maxwell of Nethir Pook, Sir Robert Maxwell of Dinwiddie, The Laird Newwark, [Gelis Wallace, The Relict,] Maister Dauid M^c^Gill of Nisbet, (King's Advocate, for his hienes intres.)

Part of the pannels 'replegeit' to the Regality of Paislay, and the rest continued to the Justice-air of 'Renfrew, tertio Itineris.'

The Laird of Quhytefurde alone was 'put to the knawlege of ane Assyise;' who, 'eftir lang ressoning and deliberatioune had thairof, be the mouth of Robert Lindesay of Dunrod, sand and declairet the said Johnne Quhytefurde of that Ilk, to be clene and acquit of airt and pairt of the said slauchter.'

[*Mr William Oliphant, Justice-Depute.*]

Abiding from the Host to pass towards Stirling.

Jul. 17.—Gilbert Lawder of Balbardeis, Williame Lawder, his sone and appeirand air.

Dilaitit for remaining and abyding at hame fra our souerane lordis oist, raid

and armie, ordanit to haif conuenit at Halirudhous,[1] and thairfra to haif paſt towardis Strineling, [for reſiſting of the treſſonabill attemptatis of certane tratouris and rebellis, quhilkis had tane the ſaid burcht and Caſtell of Strineling.]

The quhilk day, the perſonis enterit on pannell, produceit ane Licence, grantit to thame be the Kingis Maieſtie and lordis of his hienes Secreit Counſale, exemeand thame fra oiſtis, raidis and armeis; quhilk exemptioun is of the dait, at Halrudhous, the xxiiij day of Apryle, 1584.

(Sic ſubſcribitur.) JAMES R. HUNTLIE, LOCHINWARE.

[*Mr Johune Grahame, Mr Williame Oliphant, Justices-Deputes.*]

Forgery of Half-Merk Pieces, &c.

Jul. 30.—PATRIK M'KIE in Quhithillis, broder to Archibald M'Kie of Myretoune.

Dilaittit of the treſſonabill cryme of fforgeing, ffenzeing and ſtryking of certane fals and adultrit mony, viz. half merkis, xxx ſ., xx ſ. and x ſ. pecis.

Jul. 31.—VERDICT and SENTENCE. The Aſſyiſe, be the mouth of Williame M'Culloch of Myretoune, in ane voce, fylis the ſaid Patrik M'Ke of art and part of the treſſonabill fforgeing, feinzeing, counterfuting and ſtraking of certane fals and adulterate money, ſic as fals half-markis, xl d. pecis, to grit quantitie, callit *Lochmabalies*,[2] in cumpanye with Lawrence Nicholai Italiane and vtheris thair aſſiſtaris: And he thairfoir adjugeit, be Andro Lyndeſay dempſter, to haif foirfaltit and tynt lyfe, landis and guidis, to be applyit to our ſouerane lordis vſe, and himſelf hangit to the deid, at the mercat croce of Edinburghe. AND the haill Aſſyis acquit the ſaid Patrik of the fenzing of xxx ſ., xx ſ. and x ſ. pecis, *plakkis* and *balbeis*.

[*Mr Johune Grahame and Mr Edward Bruce, Justices-Deputes.*]

Assisting Earl of Angus in taking Burgh and Castle of Stirling.

Sep. 4.—GABRIELL MERSER of Sawling.

Dilaitit of the treſſonabill aſſiſting, art, pairt-taking with Archebauld Erle of Angus, Johune, ſiuntyme Erle of Mar, Thomas Lyoun, ſiuntyme Maiſter of Glammis, and vtheris thair complices, in the treſſonabill taking of the Burcht and Caſtell of Strineling, committit in the moneth of Apryle laſtbypaſt, [and beiging of ane dry-ſtane wall beſide the ſcolehous dure of Strineling; and, furneſſing of the ſaid Caſtell with men, viuaris[3] and munitioune.]

[1] Many similar trials occur at this period; some of them adding, 'and for aſſiſting with Archebauld erle of Angus, Johune erle of Mar, Thomas Lyoun maiſter of Glammis, Johune Carmichell zounger of that Ilk, and vtheris thair complices, in the treſſonabill taking of the burcht and Caſtell of Strineling.' [2] This word is very doubtfully written, being as like *Lochmalearies* as the above. Perhaps it was some familiar or cant phrase for pieces struck or forged at Lochmaben. [3] Victuals, *vivres*.

Verdict. The Affyife, 'eftir lang reffoning and mature deliberatioun had thairof, be thair delyuerance pronunceit be the mouth of Archebauld Preftoun, Chancellare of the faid Affyife, ffand the faid Gabriell to be clene and acquit' of the faid crimes.

[*Mr William Oliphant, Justice-Depute.*]

Incest.

Nov. 21.—Gothray M'Culloch of Ardwell.

Dilaitit of certane crymes of Inceft, committit be him with Katherene M'Culloch, his broder-dochter; and vtheris crymes contenit in the lettres.

Continued, to the Aire of 'Kirkcudbrycht, tertio Itineris, vel fuper premonitione xv dierum. Plegio, Jacobo M'Culloch, rectore de Kyrk-Cryft.'

Fire-raising—Breaking of Ward, &c.

Nov. 27.—Alexander Jardine of Apilgirth, &c.

James Twedie of Drumnelȝeare become plege and fouirtie for Alexander Jardine of Apilgirth, Johnne Jardane and James Jardane his breder, Niniane Jardane and Will Bell his feruandis, Williame Jardane, callit *Reid Will*, at the Kirk of Sewerbie, (and) Dauid Moffet in Sewirfyde; that thai fall compeir befoir our fouerane lordis Juftice or his Deputtis, the third day of the nixt Juftice-air of the fherefdome of Drumfreis, quhair thai duell, or foner, quhen and quhair it fall pleis our fouerane loird, vpoun xv dayis warning, and vnderly the law for the treffonabill raifing of fyre and birning of the place of Litilgill, pertening to Dame Jeane Hammiltoune, Ladie Lammingtoune: And for efchewing[1] furth of the Caftell of Edinburghe, and breking of the waird thairof; and vtheris crymes contenit in the lettres direct thairvpoune, &c.

Treason—Assisting Earl of Angus, &c.

Dec. 2.—Niniane Nicoll, in the bray of Cleifch.

Dilaitit of airt and pairt of the treffonabill airt, pairt-taking with Archebauld, fumtyme Erle of Angus; Johnne, fumtyme Erle of Mar; Thomas Lyoune, fumtyme Maifter of Glammis, and vtheris thair complices, in the treffonabill taking of the burgh and Caftell of Strineling, aganis our fouerane lord and his hienes authoritie royall; committit in the moneth of Apryle laftbypaft.

Continued to the Juftice-air 'of Fyffe, tercio Itineris vel fuper premonitione xv dierum.' 'Plegio, Henrico Stewart de Roffyth.'

[1] Escaping. See Jun. 5, 1583.

Intercommuning with Earl of Mar and other Traitors.

Dec. 8.—DAUID HOME of Argatie.

Dilaitit of the treſſonabill haiſing intelligence fra Johne ſumtyme Erle of Mar, Dauid (Erſkine) ſumtyme Commendator of Dryburgh, our ſouerane lordis tratouris declarit, in the reſſait of lettres fra thame, at the leiſt the ane or vther of thame; and ſpecialie, fra Patrik Home his broder ſone, ſeruitour to Johnne ſumtyme Erle of Mar; quhilkis lettres he reſſaueit fra Robert M^c^Willie, quhome he reſſauit in his hous, in paſſing and repaſſing to thame in Ingland; committit in the monethis of July, Auguſt and September laſtbypaſt.

PERSEWAR, Mr Dauid Makgill of Niſbet, Aduocat.

ASSISA.

George Dundas of that Ilk,
Charles Murray of Cokpale,
Mathow Stewart of Bavela,
Robert Grahame of Knokdolaine,
George Home of Aytoune,
James Inglis, burges of Edin^r^,
Henrie Quhyt, cordiner thair,
Alex^r^ Thomeſoune, burges of Ed^r^,
Johnne Moffett, burges thair,
Edward Johnneſonn, burges thair,
Johnne Gordoun of Petlurg,
Patrik Creytoune of Lugtoune,
Geo. Craw, portionar of Reftoune,
George Smyth, burges of Edin^r^,
Andro Aytouue, broder to the laird of Dinmure.

VERDICT. The Aſſyſe, be the mouth of George Dundas of that Ilk, chancellare, Fand the ſaid Dauid Home to be culpabill, fyllit and conuict in contrauening of our ſouerane lordis Actis of Parliament, in reſſait of ane boy callit Rob M^c^Willie, and conceling of the lettre ſend be him, and ſchawin be Johnne Ranye, ſend fra Patrik Home out of Ingland; and reſſauing commendationis fra the Abbot of Dryburgh from Ingland, conforme to the ſaid Dauidis depoſitiounis ſubſcryuit with his hand: LYKEAS alſua, the ſaid Dauid wes fundin to be clene and acquit of the reſt of the dittay.

SENTENCE. And thairfoir the dome of forfaltour was pronunceit aganis him be Andro Lyndſay thairefter, that the ſaid Dauid ſuld be tane to ane gippet, at the croce of Edinburghe, and thair hangit, quarterit and drawin as ane tratour; and all his landis, takis, ſtedingis, rowmes, poſſeſſionis and guidis, to be eſchete to the Kingis vſe.

Praying publicly for the banished Ministers. Concealing treasonable Correspondence, &c.

Dec. 8.—MAISTER NICOLL DALGLEISCH, miniſter at Sanct Cuthbertis Kirk, near Edinburgh.

Dilaitit of the contrauening of our ſouerane lordis actis of Parliament in lowing and authoriſing in his publict prayaris of ſic miniſteris as ar in Ingland, declarit tratouris; and for aſſiſting and fortefeing with the ſaidis declarit tratouris.

Comperit Mr Dauid Makgill, aduocate to our fouerane lord, and in his hienes name, as perfeware; and defyrit proces vpoun the Dittay prefentlie produceit be him in jugement vpoun the faid Mr Nicholl, quhilk the aduocatt defyrit to be red to the faid Mr Nicoll, in caice he wald obiect ony thing aganis the famin.

The faid Mr Nicoll allegeit, that jugement wes deduceit aganis him 3ifterday befoir the Kingis Maieftie and lordis of Secreit Counfale, and as appeirit to him conuict be thame and thair woting aganis him; quhairthrow it is nocht neceffar that he be of new accufit in ony vther iugement.—To the quhilk anfuerit the aduocate, that the proceidings aganis him in Secreit Counfale wes *per modum confilij*, and nocht be way of jugement, he nocht being judicialie accufit; and fua the Juftice aucht to proceid aganis him in the faid matir in this jugement.

The faid Mr Nicoll defyrit to knaw of the Lordis of the Secreit Counfale prefent, Affefouris to the Juftice,[1] quhidder the proceidingis aganis him 3ifterday in Counfale wes *per modum confilij*, or as ane vther jugement: And the faidis lordis, for fatiffactioun of his defyre, declarit the faidis procedingis to be *per modum confilij*.

Interlocutor. The Juftice, be auife of his Affefouris, Fand be interloqnitour, that the proceidingis aganis the faid Mr Nicoll 3ifterday the fevint of this inftante, in the mater quhairof he wes accufit, fold nawayis preiuge him in this jugement, bot ordanit him nochtwithftanding thairof, to haif his haill defenffis aganis the Dittay produceit: Lykeas, the Juftice, vpoun certane allegeances proponit be the faid Mr Nicoll, and defenffis vfit be him, as alfua the anfueris maid thairto be the Aduocate, and of the mirknes[2] of the nycht, continewit the mater in the famin forme, force and effect, as it is now, to the morne: And the faid Maifter Nicoll in the meantyme to be committit to waird, quhill he be tryit be the perfonis of Affyis chofin, fuorne, and admittit ofbefoir, alfwele vpoune his Affyis as vpoune the Affyis of the faid Dauid Home; and warnit the faidis perfonis of Affyis to compeir the morne in the hour of caus, to delyuer, *affirmatiue* or *negatiue*, vpoun the poyntis of the faid Dittay, ilk perfoun vndir the pane of ane hundreth pundis.

Dec. 9. – Dilaitit, &c.; and for conceling of ane Lettre fend be Mr Walter Baganqwall[3] to his wyff, quhilk wes red be the faid Mr Nicoll; and vtheris crymes.

Perseware, Mr Dauid Macgill of Nifbet, aduocat to our fouerane lord.

Compeirit the perfonis of Affyis vnderwritten, viz.:

Assisa.

Patrik Creychtoun of Lugtoune,	Geo. Craw, portioner of Reftoune,	George Dundas of that Ilk,
Alex^r Thomefoun, burges of Ed^r,	Charles Murray of Cokpull,	Andro Aytoun, brother to Dinmur,
Johnne Moffet, burges thair,	Johne Gordoun of Petlurg,	Henrie Quhyt, burges of Edinr^r,
James Inglis, burges thair,	Robert Grahame of Knokdolan,	Eduart Johneftoun, burges thair,
George Smyth, burges thair,	George Home of Aytoune,	Mathow Stewart of Bavela.

The faid Mr Nicoll, eftir diuerfe allegeancis proponit be him in prefens of the

[1] As was formerly remarked, it was usual for some of the Lords of Privy Council to sit as Assessors with the Justice, especially in cases of Treason. The King himself not unfrequently sat in judgment, and his presence is occasionally noticed in the Record. [2] Darkness of the night. [3] Balcanquall.

ſaid Juſtice and his Aſſeſouris, and anſueris maid thairto be the ſaid Mr Dauid McGill, aduocat to our ſouerane lord for his hienes intres, offerit him ſelf in the Kingis Maieſteis will, off the ſpeiking, that 'the Miniſteris and vtheris wer perſecute, and that the Kingis mineſtrie had ſpokin thay wordis mycht haif provokit ane Criſtiane man to feir;' as alſo of the conceling of ane Lettre direct fra Mr Walter Bucanquall to his awin wyff, quhilk wes red and ſene be him, concerning particular commendationis to him.

The Juſtice, nochtwithſtanding that the ſaid Mr Nicoll come in the Kingis Maieſteis will, Ordanit the foirnaminit perſonis of Aſſyis, choſin, ſuorne and admittit vpoun the ſaid Mr Nicollis conſent, to proceid to thair delyuerance.

And the ſaid Mr Dauid McGill, aduocate, Proteſtit, in reſpect of the ſentence gevin 3ifterday vpoun Dauid Home of Argatie in the lyke mater ofbefoir, that in caice the ſaidis perſonis of Aſſyis clenge the ſaid Mr Nicoll, for Wilfull erroure and tinſale of baith lyffe, landis and gudis.

Verdict. The Aſſyis be thair delyuerance, pronunceit be the mowth of the ſaid George Dundas of that Ilk, chancellare, ffand the ſaid Mr Nicoll Dalgleiſch to be culpable, fyllit and conuict for ſpeiking that the Miniſteris and vtheris wer perſecutit, meaning to preve the ſamin perſecution be occaſioun of juſt feir conſauit aganis the Miniſteris vpoun allegeit ſpeich of the Kingis Maieſtie, and ſum of his Counſale, quhilk wes cleirlie provin be act of Counſale; and quhairfoir the ſaid Mr Nicoll come in his hienes will: And alſua, conuictis the ſaid Maiſter Nicoll of conceling of ane Lettre direct fra Mr Waltir Bucanquhall to his wyff, quhilk was red and ſene be him, contening particular commendationis to him, confeſſit be his awin word and writt; and thairfoir come in his hienes will: And acquit him of the haill reſt of the dittay.

Abiding from the Raid of Stirling.

Dec. 16.—Johne Holmes in Auldwallis, Thomas Patoun in Winterberriehill, and twenty two others.

Dilaitit for remaining and abyding at hame fra our ſouerane lordis oiſt, raid and armie, ordanit to haif conuenit at Halirudhous, in the moneth of Apryle laſtbypaſt, and thairfra to haif paſt towardis the bur^t of Striueling, ffor repreſſing of the treſſonabill attemttis of certane tratours and rebellis, quhilkis had tane the bur^t and Caſtell of Striueling, and repreſſiing of thair inſolences.

Assisa.

Alex^r Boyd in Kilmarnok,
Hew Cuik in the hill of Kilmawaris,
Dauid Hammiltoun of Ladietoun,
Johne Hammiltoun in Grange,
Thomas Patoun in Caſtlehill,
Johne Huntare in Richartoune,
Johne Wallace in Burnebank,
Johne Campbell of Auldornok,
Robert Stewart,
Johne Knox,
James Neilſoun in Glaſgw,
William Burnis thair,
Adam Hog, ſernitour to Bargany,
Thomas Tait in Knokindaill,
James Cuninghame in Inchegothir.

Verdict. The Affyis, be the mowth of the faid Thomas Tait, chancellare, ffand the haill foirfaidis perfonis entirit vpoun pannell to be conuict, culpabill and fyllit for thair remaning and byding at hame fra our fouerane lordis oift, raid and armie, ordanit to haif conuenit at Halirudhous, and thairfra to haif paft towardis the burs of Striueling, ffor repreffing of the treffonabill attemptattis of certane tratouris and rebellis quhilkis had tane the burgh and Caftell of Striueling.[1]

Regrating—Forestalling.

Jan. 20, 1584-5.—Johnne Watsoun in Leyth Wynd, Robert Gray in the Cannogait and fifty four others in Cannogait, Leyth and Edinburgh.

Dilaitit of contrauening of the Actis of Parliament for non putting of thair malt to the marcat, and for taking mair betuix the boll of malt and the boll of beir nor[2] is contenit in the faidis Actis.

Thofe refident in Cannogait, &c. are 'replegiat' to the Regality of Brochtoune, others to the Regality of Kelfo; and with regard to thofe refident in Edinburgh, they are 'Remittit to the jurifdictioun of the Proueft and bailleis of Edinburgh be reffoun of the Kingis Lettres direct to Mr Dauid M'Gill, aduocat, to pas fra thame, and difchairging of the Juftice of all calling, unlawing or proceiding aganis the inhabitantis of Edinburgh; quhilk lettres were fubfcryuit be (the) Kingis Maieftie and Counfale of the dait the xv day of Januar 1584; quhairvpoune Mr Johnne Scharp afkit inftrumentis.'

[Curia Justiciarie, f. d. n. Regis tenta in pretorio de Edinburgh, per Magiftros Eduardum Bruce, Joannem Grahame et Willelmum Oliphant, Jufticiarios deputatos.]

Raid of Ruthven—Traitorous Conspiracy for seizing the King's person.

Feb. 9.—Malcolme Dowglas of Manis, Johnne Cunninghame of Drumquhaffill and James Edmeftoune of Duntraith.

The quhilk day compeirit perfonalie in jugement, Maifter Dauid Makgill of Nifbet, and produceit the Dittayis vnderwrittin vpoun the faidis perfonis, of the quhilkis Dittayis the tennour followis.

James Edmestoun *of Duntraithis Dittay.*—James Edmeftoun of Duntruth, ȝe ar indyttit and accufit, that contrair ȝour naturall dewtie, ȝe haveand our fouerane lordis gud countenance as ony vther fubiect of this realme of the lyke calling, hes maift vnhappilie, vnthankfullie and treffonablie deuifit and confultit with diuerfe vtheris ȝour complicis, viz. Robert Hammiltoun of Inchemachane, Johnne Cuninghame of Drumquhaffall, Malcolme Dowglas of Manis, Johnne Mufchet and Walter Dowglas in Litill Sauchie, in þe monethis of October, Nouember, December and Januare laftbypaft, vpoun the

[1] Various other trials occur at this period for abiding from the same raid, chiefly against fewars and burgesses. [2] Than.

plat laid be the ſumtyme Erlis of Angus and Mar and þair complices, for þair treſſonabill deidis preſentlie fugitiues in Ingland, commnnicat to ȝow be Johnne Home *alias* callit *Blak Johnne*, þair meſſinger, and þe ſaid Johnne Muſchet, how his Maieſteis maiſt nobill perſoun at the hunting mycht have bene tane captiue and convoyit to ſum ſtrenth in the Illis and bordouris of this realme, or ellis to ſum ſtrenth in the Illis of Lochlowmond, quhill the ſaidis declairit tratouris fugitiues had with thair complicis reſſauit his maiſt nobill perſoun in þair handis; and conceling of þe ſamin.

Johnne Cuninghame *of Drumquhaſſillis Dittay.*—Johnne Cuninghame of Drumquhaſſill, ȝe ar indyttit and accuſit, that eſtir mony and diuerſe treſſonabill Conſpiraceis, conſultit, deuiſit, affiſtit and execute be ȝow and ȝour partineris, aganis the Kingis Maieſtie and quyet eſtait of the cuntre evin to þat acceptant (attemptat?) of ſurpryſing of his Maieſteis maiſt nobill perſoun, quhilk wes committit be ȝow and diuerſe vtheris ȝour treſſonabill partakaris in the moneth of Auguſt I^{m}.V^{c}.lxxxij ȝeiris, be taking of his Maieſteis maiſt nobill perſoun captiue in the hous of Ruthvene, carying of the ſame about gairdit at ȝour pleaſour, ȝe being preſent and treſſonablie affiſting to þe ſaid fact; quhilk beand ouerſeen[1] be his Maieſtie, beſyde money vtheris treſſonabill offenſis ouerlukit in ȝow, and ȝour honour, lyff and landis ſpairit be his hienes clemencie, mycht have bene ſuffecient motioune, to have mouit ȝow to deſiſt fra all ſic treſſonabill deidis and interpryſis þairefter: Nochtwithſtanding of þe quhilk, ȝe maiſt ingratlie and treſſonablie, vpoun ȝour accuſtwmit malicious and vnhappie vnnaturalitie, hes in the monethis of October, Nouember, December and Januare laſtwas, treittit, deuiſit and conſultit ane maiſt hie and vnhappie Treſſoune aganis his Maieſteis maiſt nobill perſoun; quhairby nocht onlie the preſent eſtait of this commonn-wealth mycht have bene euertit,[2] but alſua, gif with ȝour and ȝour complicis ſaiſtie his Maieſtie culd have bene led captiue to the bordouris of this realme, to have bene reſſauit be his declairit tratouris now fugitiues in Ingland, or to ſum fortrace or ſtrenth within the Illis of Lochlowmunt in the Leuuenox: Committand þairthrow maiſt hie and abhominabill Treſſoun; and this is trow, and ȝe can nocht denye þe ſamin:—Forder ȝe, in the ſaidis monethis laſtbypaſt, at the leiſt in aue or vther of þame, hes confedrit, treittit and conſultit with James Edmeſtoun of Duntraith at diuerſe tymes and places, ſic as the Kirk of Strablene and at the Kirk of Killerne, vpoune the executioun of the interpryis abouewrittin; and hes maiſt treſſonablie concelit the ſamin vnto the tyme of ȝour lait entrie within ȝe Caſtell of Edinbur^{t} and ȝour examinatioun þairin, quhilk wes vpoun the ſext day of this inſtant moneth; quhair ȝe, be ȝour Depoſitioun ſubſcryuit with ȝour awin hand, as alſua þe ſaid day, being confrontit with the ſaid James Edmeſtoune, and that ȝe knew that Blak Johnne Home wes directit fra the ſumtyme Erlis of Angus and Mar and þair complicis preſentlie for þair Treſſoun fugitiues in Ingland, wes be þair meſſage direct to ȝow to propone þe platt for executing of the treſſonabill interpriſſe aboue ſpecifeit. As ȝour ſaid Declarationn, ſubſcryuit with ȝour hand, heirwith produceit as ane pairt of ȝour Dittay, dois teſtifie. And this is trew, and ȝe can nocht deny þe ſamin.

Malcolme Dowglas *of Manis Dittay.*—Malcolme Dowglas of Manis, ȝe ar indytit and accuſit, that eſtir mony and diuers treſſonabill Conſpiraceis, conſultit, dewyſit, affiſtit and execute be ȝow and ȝour partinaris agains þe Kingis Maieſtie and quyett eſtait of þe countrey, quhairfore ȝe being laitlie forfaltit, had of his hienes clemencie, obtenit ȝoure pardoun, and owerſene in þe bruiking of ȝoure landis and heretage: ȝit, ȝe maiſt vnnaturallie, vnthankfullie and treſſonablie, in þe monethis of October, Nouember, December and Januar laſtbypaſt, hes diuiſit, treitit and conſultit with diuers vtheris ȝoure complices, ſic as Robert Hammiltoune of Inchmauchan, James Edmeſtoun of Duntraith, Johnne Cwninghame of Drumquhaſſill, Walter Dowglas in Lytill Sauchy and Robert Sempill ſumtyme of Roiſland, vpoun þe platt laid be þe ſumtymes Erllis of Angus and Mar and þair complices, for þair treſſonabill deid preſentlie fugitiues in Ingland,

[1] Pardoned, overlooked. [2] Overturned—Lat. *evertere.*

eftir communicatioun þairof to þe faid James Edmeftoun of Duntraith be Johnne Hwme *alias* callit *Blak Johnne*, ȝe, in þe monethis foirfaid, confultit, conferrit, tretit and dewyfit with þe faid James Edmeftoun of Duntraith and þe remanent ȝour complices aboue writtin, att þe Kirk of Strablane and þe Kirk of Killerne, as alfo in ȝoure hous and place of Manis, quhair þe faid Robert Hammiltoun wes allowit be ȝow to be vpoun þe counfall þairof, and þair dewyfit how his Maiefteis maift nobill perfoune mycht att þe hunting be tane captiue and convoyit to fum ftrenth on þe bordouris of þis realme, or ellis to fum ftrenth in þe Iles of Lochlomount, quhill þe faidis declarit traittouris fugitiues had, with þair complices, reffauit his Maiefteis maift nobill perfoune in þair handis: And to þe taikin, that þis is trew, ȝe directit ȝoure Lettres heirvpoun with Walter Dowglas of Lytill Sauchy to þe faidis rebellis, declarit traittouris, prefentlie in Ingland, and with Robert Sempill, quha being þe meffingeris and poiftis of þe faidis fugitiues had at þair pleafour, reffett and interteinment at ȝoure hous of þe Manis, in þe monethis foirfaidis: And þis is trew, and ȝe cawnocht deny þe famin, in refpect the faid James Edmeftoune of Duntraith and Robert Hammiltoun of Inchmawchane, prefentlie with ȝow, awowit þe fame; lykeas alfwa, James Dowglas and William Johnnftoun ȝoure feruandis, in þair Depofitiounes teftifeis the prefens of þe faid Robert Hammiltoun and Laird of Duntraith with ȝow in ȝoure awin hous, and refoirt of þe faid Walter Dowglas and Robert Sempill in ȝoure faid hous, quha had na vthir occafioun of refoirt to ȝoure faid hous bot for þe treffonabill cauffis foirfaidis.

Assisa.

Williame Lord Hay of ȝeftir,
. . . . . Lord Seytoun,
Thomas Maifter of Caffillis,
Patrik Houftoun of that Ilk,
Johnne Gordoun of Lochinvar, k^t,
Johnne Murray of Blakbaronie,
Robert Grahame of Knokdoliane,
Patrik Ogilvie of Inchemairtene,
Patrik Murray of Hangit-fchaw,
Johnne Sempill of Fowlwode,
Williame Wallace of Ellerflie,
Wm Makcullocht of Mortoune,
Patrik Agnew, Shereff of Wigtoune,
Sir Thomas Stewart of Garnetullie, kny^t,
Johnne Gordoune of Pitlurg,
James Meinȝeis of Weim,
Williame Hammiltoune of Sorne,
Thomas Kennedie of Barganye,
. . . . . MacFarlan of that Ilk.

Verdict. The Affyis, be thair delyuerance, pronunceit be the mouth of the faid William Lord Hay of ȝefter, ffand and declarit the faid James Edmestoune of Duntraith, to be culpabill, conuict and fyllit off the vnhappie, vnthankfull and treffonabill treitting and confulting with diuerfe vtheris his complices in the monethis of October, Nouember, December and Januare laftwas, vpoun the plat layit be the fiuntyme Erlis of Angus and Mar and thair complicis, communicat to him be Johnne Home *alias* callit *Blak Johnne*, the meffinger, and Johnne Mufchet, quhow the Kingis Maiefteis maift nobill perfoune mycht be tane captiue at the hunting and conuoyit to fum ftrenth on the bordouris, or fum ftrenth in the Illis of Lochlowmunt, quhill the faidis declarit Tratouris fugitiues in Ingland had reffauit his maift nobill perfoune in thair handis; and of the treffonabill conceling thairof conforme to his awin lettre and Depofitioune fend to the Kingis Maieftie, fubfcryuit with his awin hand.—And ficlyk, ffand, pronunceit and declairit the faid Johnne Cuninghame of Drumquhaffill, to be culpabill, conuict and fyllit off the conference, treitting and confulting with James Edmeftoun of Duntraith at diuerfe tymes and places, fic as at the Kirk of Strablane and at the Kirk of Killerne, vpoun the taking of the Kingis Maiefteis maift nobill perfoun captiue at the hunting, fpecialie at that

tyme about the taking of Dauid Home of Argatie; quhairby the lordis fugitiues in Ingland mycht be releuit and this eſtait alterit; and of the conceling of the ſamin; conforme to his Depoſitionis ſubſcryuit with his hand.—AND rychſwa, ffand, pronunceit and declairit the ſaid MALCOLME DOWGLAS of Manis, to be culpable, conuict and fyllit, that, forſamekill as James Edmeſtoun of Duntraith hes teſtefeit vpoun his grit aith, that he declairit to the ſaid Malcolme Dowglas of Manis, that Johnne Home *alias* callit *Blak Johnne*, ſeruitour to Johnne ſumtyme Erle of Mar, proponit to him, the taking of the Kingis Maieſteis perſoune at the hunting, amangis vtheris generall conferencis had be thame in the place of the Manis, in preſens of Robert Hammiltoun of Inchemauchane, lykewayis affermit be the ſaid Robert; quhilk purpois, the ſaid Laird of Duntraith lykwayis teſtefeit, wes refuſit altogidder be the ſaid Laird of Manis, and nawayis thocht gud be him; and nochtheles, inſafar as the ſaid Laird of Manis hes concelit the ſamin, and nocht revelit it to the Kingis Maieſtie; in ane voice, conuictis the ſaid Malcolme Dowglas of the conceling thairof; and put him thairfoir in the Kingis Maieſteis mercye. In witnes quhairof, the chancellare, in name of the reſt Aſſyſſouris, ſubſcryuit the ſaid conuictioun in the Minut buk.

SENTENCE. The ſamin day, eftir the ſaid conuictioune, the Juſtice, be the mouth of Johnne Andro, dempſtare of the ſaid Court, adiugeit and for Dome gaif, that the ſaidis Johnne Cuninghame of Drumquhaſſill and Malcolme Dowglas of Manis ſuld be tane to ane ſkaffauld, beſyde the mercat croce of Edinburgh, and thair to be hangit, quhill thai wer deid, and quarterit and drawin: And that all thair mouabill and vnmouabill gudis, landis, heretageis, poſſeſſionis, takkis, ſtedingis, offices, coirnis, cattell, lyfrentis, actionis and all vtheris quhatſumeuir quhilkis pertenit to thame, aucht and ſuld perteine to our ſouerane lord, and to be applyit to his hienes vſe, and to remane with him and his ſucceſſouris for euir, be reſſoun of Eſcheit and ffoirfaltour.

Murder of Henrie Darnley, King of Scottis.

AT EDINBURGH, within the Tolbuyth of the ſamin, the xxvj day of Maii, the zeir of God I^m.V^c. fourſcoir ſex zeiris.

IN PRESENCE of the rycht honorabill SIR LWES BELLENDEN of Auchnowle, knycht, Clerk of our ſouerane lordis Juſticiarie, MR ROBERT DOWGLAS, proweſt of Lincluwdene, collectour generall of this realme, ... DOWGLAS of Quhittingheme, ane of the ſenatouris of the College of Juſtice and PATRIK LETHINGTOUN of Saltcoittis,

(May 26, 1586.)—Compeirit Mr Dauid Makgill zounger, Aduocate, ſubſtitute to Maiſter Dauid Makgill of Niſbet, aduocate to our ſouerane lord, in

prefens of ane honorabill and difcreet man, Willaime Litill, Proweft of Edinburghe, and me Maifter James Bannatyne, Clerk-depute ordiner, in the office of Jufticiarie, noter publict; and produceit Ane Commissioune, direct be our fouerane lord, vnder his hienes quarter-feill, off the dait at Halirudhoufe, the twentie-fyve day of Maii, the ȝeir of God I^m.V^c. fourfcoir fex ȝeiris, and of his Maiefteis regnne the nyntene ȝeir, Makand and conftituand his louittis, Maisteris Johnne Prestoune and Eduard Bruce, coniunctlie and feueralie, his hienes Juftices in that pairt, to fens and hauld Courtis of Jufticiarie, for adminiftratioun of Juftice, vpoune Mr Archebauld Dowglas, dilaitit and fufpect of the crewall, horribill, abhominabill and treffonabill Murthour of Vmquhile Henrie King of Scottis of gud memorie, darreft fader to our fouerane lord; and being actuallie prefent thairat in cumpanie with vmquhile James fumtyme Erll of Bothwell and vtheris his complicis; the tyme of the committing of the famin in the moneth of Februare, the ȝeir of God I^m.V^c. threfcoir fex ȝeiris: Defyring the faidis perfonis to be fworne to minifter juftice lelilie and trewlie in the faid mater, conforme to the tennour of the faid Commiffioune, law and confuetude of this realme. Quha immediatlie thairefter acceptit the faid Commiffioune vpoun thame and befoir me notare and witneffes abouewrittin, be haulding vp of thair rycht hand, fwoir and gaif thair aithis for miniftratioun of juftice lelilie and trewlie in the faid office of Jufticiarie as Juftices in that pairt, conforme to the tennour of the faid Commiffioune, as thai wald anfuer to our fouerane lord thairvpoune; and than incontinent for deductioun of forder proces in the faid mater, Ordanit thair officiaris of Jufticiarie to fens Court, for obedience of the faid Commiffioune and acceptatioune thairof. Quhairvpoun the faid Mr Dauid Makgill afkit inftrumentis of me notare publict and clerk foirfaid.

Curia Justiciarie, *f. d. n. Regis tenta in Pretorio de Edinburghe, vicefimo fexto die Maii anno domini millefimo quingentefimo octuagefimo fexto, per honorabiles et diferetos viros, Magiftros Joannem Preftoun et Eduardum Bruce, Jufticiarios in hac parte dicti f. d. n. Regis, virtute fue Commiffionis fpecialiter conftitutos.* Sectis *vocatis et Curia legitime affirmata.*

In the quhilk Court the faidis Juftices produceit ane Precept direct to thame be the Kingis Maieftie, commanding thame to accept ane Commiffioune of Jufticiarie vpoun thame, and to put Mr Archebauld Dowglas, dilaitit of certane heich poyntis and crymes of Treffoun, to the tryell of ane Inqueift: Off the quhilk Precept the tennour followis.

Maisteris Johnne Prestoune, Eduard Bruce, Aduocattis and Commifferis of Edinburghe, We greit ȝow weill. Forfamekill as, Mr Archebauld Dowglas is to be prefentit vpoun þe xxvj day of Maij inftant in þe Tolbuyth of Edinburghe, to be tryit vpoune certane heich poyntis of Treffoune, concerning þe murthour of our maift darreft fader; and to þe effect þe mater may be þe bettir tryit we have directit our Commiffioun vnto ȝow, creating and fubftituand ȝou our Juftices in þat part, to þe effect contenit in þe faid Commiffioune. Thairfoir it is our will and We charge ȝow ftraitlie, and

commandis, that immediatlie efter þe fycht of þir prefentis, 3e accept the faid Commiffioun in and vpoun 3ow, gif 3our aith for adminiftratioun in þe faid Commiffioun and put þe faid mater to þe tryell of ane Inqueift, and do juftice þairinto, according to the lawis of þis realme, but ony forder delay; as 3e will efchew our indignatioun. Subfcryuit with our hand att Halirudhous, þe xxv day of Maii 1586.

JAMES R. P. MAISTER OF GRAY. LINCLUDEN.

Treasonable Conspiracy—Murder of King Henry Darnley.

Comperit perfonalie on pannell the famin day, in prefens of the faidis Jugeis, May 26.—Mr ARCHEBAULD DOUGLAS, Parfoun of Glafgw.[1]

Dilaitit of the horribill, crewall, vnnaturall and treffonabill murthour, flauchter and paricide of vmq^le^ our fouerane lordis darreft fader, Henrie King of Scottis of gude memorie, and vtheris crymes; committit at the tyme and in maner at lenth vnderwrittin.

The famin day, compeirit Mr Dauid Makgill, aduocat, fubftitut to Maifter Dauid Makgill of Nifbet, aduocat to our fouerane lord, in his hienes name, as perfeware; and exponit and declarit, that he had reffauit ane fpeciall Warrand and command, direct fra the Kingis Maieftie, chairgeing him to perfew the faid Mr Archebauld, of the crymes aboue fpecifeit; quhilk he produceit in jugement, and defyrit the famin to be infert in proces; quhairof the tennour followis.

'REX.

'Aduocat and 3our fubftitut, we greit 3ow hairtlie weill. Forfamekle as we have appoyntit þe xxvj day of Maii inftant, for prefenting of Mr Archebauld Dowglas, perfone of Glafgw, to vnderlie our lawis, for airt and pairt confulting, treitting and executioun of þe maift horribill flauchter and murthour of our vmq^le^ darreft fader of gude memorie, We command 3ow, with all conuenient fpeid, to tak informatioune, be all meanis poffibill, for accufatioun of þe faid Mr Archebauld of þe treffonabill crymes foirfaidis; and þat 3e perfew him thairfoir þe faid day appoyntit, or ony vtheris dayis þairefter to follow, be ane condignne Affyis, quhill he be ather foule or cleane[2] of the crymes foirfaidis: ffor the quhilk this prefent falbe to 3ow fufficient warrand. Subfcryuet with our hand att Halirudhous, þe xxiij day of Maij, and of our regnne the nyntene 3eir, 1586.

'JAMES R.'

As alfo produceit in jugement, in prefens of the faidis jugeis, Letteris direct for fummoning of ane Affyis to this day, vpoun the faid Mr Archebauld; quhairby ane fufficient nowmer of Affyis is fund. Quhilkis letteris ar of the dait, att Edinburghe, the xxiij day of Maij, and of our fouerane lordis regning, the nyntene 3eir, 1586. Togidder with the Dittay, quhairof he is to be accufit: Offering him reddie to perfew the faid Mr Archebauld of the famin, and crymes contenit thairin. Of the quhilk, the tennour followis.

[1] He was cousin to Regent Morton, and was also one of the Ordinary Lords of Council and Session. Reference is made to Mr Arnot's Collection for a narrative of facts relative to this shameful and collusive trial. The acquittal of the Parson of Glasgow has justly been attributed to the unprincipled intrigues of Patrick Master of Gray, and of Randolph the English ambassador. See also Moyses' Memoirs, &c. [2] Until he be found guilty or else acquitted.

Dittay *againſt Mr Archibald Dowglas, Parson of Glasgow.*

Maiſter Archebauld Dowglas, perſoun of Glaſgw: ȝe are inditit and accuſit, that in the monethis of Januar and Februare, the ȝeir of God I^{m}.V^{c}. threſcoir ſex ȝeiris, ȝe being accumpaneit with James ſumtyme Erle Bothwell, James Ormeſtoun ſumtyme of þat Ilk, Robert *alias Hob* Ormeſtoune his faderis broder, Johnne Hay ſumtyme of Talla, Johnne Hepburne callit Johnne of Bowtoune and diuerſſe vtheris ȝour complicis, craftelie and ſecreitlie conſpyrit amangis ȝour ſelfis, deuyſit and maliciouſlie conſultit, treitit and concludit þe maiſt ſchamefull, deteſtabill and vnnaturall murthour and paricide of our ſouerane lordis darreſt fader of gude memorie, Henry King of Scottis, ſpous for þe tyme to his hienes darreſt moder Marie, then Qwene of Scottis; and þat within þe burch of Edinburghe, Palice of Halirudhous, and vtheris places þairabout: And to þe end that ȝe mycht bring ȝour wickit and execrabill attempt bettir to pas, ȝe with þe remanent perſonis afoir nammit, be ȝour ſelfis, ȝour ſerwandis, complices and vtheris in ȝour names, of ȝour cawſing, command, airt, pairt-taking, affiſtance and ratihabitioun, vpoun þe tent day of þe ſaid moneth of Februare, att twa houris eftir midnycht or þairby, come to þe lugeing beſyde þe Kirk of Field, within þe ſaid bur[t] of Edinburghe, quhair our ſaid ſouerane lordis fader wes ludgeit for þe tyme; and þair, be way of hameſuckin, briganrie[1] and foirthocht fellony, maiſt wyildlie,[2] vnmercifullie and treſſonablie, ſlew and murdreſt him, togidder with Williame Tailȝeour and Andro Makcaig, his cubiculeris,[3] quhen as thay, bureit in ſleip, wer takand þe nychtis reſt, brint his lugeing foirſaid, and raſit þe ſamin in the air, be force of gun-pulder, quhilk a little afoir wes placeit and unput be ȝow and ȝour foirſaidis vnder þe ground and angulare ſtanis,[4] and within þe woltis in laich and darnit[5] places to þat effect: And quhairthrow, ȝe haif incurrit þe panis of Leſe-maieſtie, and ſuld be pwneiſt þairfoir in all rigour, be tinſale[6] of lyff, landis and guidis, and extinctioun of fame, titill, honour and memorie, conforme to þe lawis of þis realme. Lyke as, þe haill perſonis, ſpecialie afoir nammit, ȝour complices and conſpiratouris with ȝow in þis treſſonabill cryme, as þai culd be apprehendit, þai ſufferrit maiſt ſchamefull deid þairfoir, according to þair deſeruingis. Item, ȝe ar indyttit and accuſit for þe treſſonabill Conſpiracie of þe ſaid deteſtabill deid and murthour of our ſaid ſouerane lordis vmq^{le} darreſt fader, the ſamin being oppinit[7] to ȝow be þe ſaid vmq^{le} James ſumtyme Erle of Bothwell, and vtheris chief Conſpiratouris, quhairas of dewtie ȝe wer obleiſt to haue reueleit þe ſamin, quhilk gif ȝe hed done, the ſaid maiſt abhominabill, ſchamefull and crewall interpryſe of þe ſaid

[1] *Briganderie.* O. Fr. [2] Vilely, basely. [3] Grooms of the bed-chamber. [4] Corner-stones. [5] Concealed, hidden. [6] Loss, deprivation. [7] Revealed, disclosed.

murthour had bene impeidit, and our ſaid ſouerane lordis darreſt faderis lyff, be gude meanis, had been preſerued: And þairfoir, ȝour ſaid foirknawlege and conceling in ane cryme ſa haynous and treſſonabill, wes neir alyke and equall to þe committing of þe deid: And þairfoir, ȝe aucht to be pwneiſt in lyff, landis, fame and honour, as ſaid is.—To þe takin[1] that ȝe war airt and parte, conſultare, treittare, deuyſare and executer of þe ſaid treſſonabill, horibill, cryme and murthour, ȝe wer actuallie preſent þairat, and execuit þe ſamin with ȝour awin handis, vpoune þe ſaid tent day of Februare, at twa eftir mydnycht, quhair, by þe preiſſe and thrang of peple, the tyme of þe executioun of þe ſaid murthour, ȝe tint ȝour mwlis,[2] quhilk being fundin vpoune þe morne at þe ſame place, wer acknawlegeit to haif bene ȝouris. And ȝe wer euir þairefter in griter familiaritie with þe ſaid vmq^le James ſumtyme Erle of Bothwell, be þe participatioun of þe ſaid abhominabill treſſoun with him, to þe effect that ather of ȝow mycht manteine and ſupport vtheris in ȝour wickit deidis. And this is maiſt notorlie knawin, and ȝe can nocht deny.—To þe mair[3] takin: Quhen ȝe wes to be attintit befoir our ſouerane lord and the lordis of his Secreit Counſale, for þe ſaid abhominabill treſſoune, vpoun þe firſt day of December, 1580 ȝeiris, ȝe gat ſecreit intelligence þairof, and nocht being habill to abyde þe law þairof, bot findand ȝourſelf maiſt giltie þairof in ȝour conſcience, ȝe wer fugitiue furth of this realme to þe pairtis of Ingland, quhair ȝe remanit diuerſe ȝeiris þaireftir; planelie takand vpoune ȝow þe ſaid abhominabill cryme: Lyk as, ſchortlie þaireftir, in þe moneth of Nouember, 1581 ȝeiris, ȝe wer foirfaltit for þe ſaid cryme. As þe proces of foirfaltour beiris.—To þe mair[3] takin: ȝour maiſt familiare ſerwand, vmq^le Johnne Binning, quha for airt and pairt-taking with ȝow in þe ſaid abhominabill and treſſonabill cryme, wes conuict and put to death, in þe moneth of Junij, 1581 ȝeiris foirſaid, being ofttymes tryit[4] vpoune ȝour pairt þairof, fermelie and conſtantlie deponit that ȝe wer airt, pairt, deuyſar and executour of þe ſaid abhominabill murthour; and þat ȝe wer actuallie and in proper perſoun þairat; quhairat alſo he abaid and tuk þe ſamin vpoun him, in preſens of þe haill pepill byſtanding, at his executioune.—To þe mair takin: Vmquhile James Erle of Mortoune, eftir his conuictioune and befoir his death, nocht onlie confeſt, that he himſelf foirknew þe ſaid horribill murthour, bot als, that ȝe ȝour ſelf wes þe reweillare þairof vnto him: And forder, þat ȝe wer actuallie at þe executioun of þe ſamin, as is maiſt notourlie knawin: Quhilk ȝe can nocht deny.

The ſaid Mr Archebauld, anſuerand to the Aduocat vpoun the Dittay produceit aganis him, as yit nocht red in his preſens; deſyrit of the Juſtices that

[1] In token, proof, or testimony. [2] *Mullis*, 'a kind of slippers without quarters, usually made of fine cloth or velvet, and adorned with embroidery.' Dr Jamieson. They are afterwards described as '*welwat mulis*' in the course of the trial. [3] Further. [4] Examined, probably upon torture.

the ſamin mycht be red, befoir thair entrie to forder proces, that he mycht anſuer thairto, for defence of his lyff. Quhairvnto thai condiſcendand, and for ſatiffeing of his deſyre, cauſit reid the ſamin oppinlie in jugement. Quhilk being red, he acceptit as it wes conſauit, and offerit himſelf reddie to anſuer to euerie poynt, quhen he ſuld be accuſit befoir the Aſſyis be the ſamin. And for his bettir defence, vſit and produceit ane Warrand direct be the Kingis Maieſtie to the Juſtice, for admiſſioun of his lawfull defenſis. Quhairof the tennour followis.

'Rex.

'Justice, Juſtice-Clerk, and ȝour deputtis, we greit ȝow weill. Forſamekill as we haif appoyntit þe xxvj day of this inſtant, for tryell of Mr Archebauld Dowglas, of certane crymes of Leſe-maieſtie, to be laid to his charge, befoir ȝow, in þe Tolbuyth of Edinburghe; and albeit it be our mynd þat þe ſaid mater be handillit according to our honour and þe lawis of þis realme, ȝit we intend nawayis that ony reſſonabill defence or moyen be tane away fra þe ſaid Mr Archebauld, quhilk may be competent to him, ather of equity or ellis be our ſaidis lawis. Thairfoir it is our will, and we charge ȝow, that ȝe hauld Court þe ſaid xxvj day of Maij, and put þe ſaid Mr Archebauld to þe tryell of ane inqueiſt, vpoun ſic heidis and articles of leſe-maieſtie as ſalbe gevin in Dittay; admittand neuerthles to þe ſaid Mr Archebauld, his haill laufull defenſis, ſafar as þe ſamin may be competent to him. Subſcryuit with our hand att Halirudhous, þe xxvj day of Maij, and of our regnne þe nyntene ȝeire, 1586.

(Sic ſubſcribitur) 'JAMES R.'

Efter the productioun of the quhilk Warrand, and reſſait thairof be the Juſtice, the ſaid Mr Archebauld, leinning to his innocencie, but[1] deſyre of ony prolocutour to ſpeik for him in this caus, allegeit, that the ſecund poynt of Dittay, tuiching the foirknawing and conceling of the ſaid murthour, aucht nocht to be put to the knawlege of ane Aſſyis, be reſſoune, that our ſouerane loird, of his frie mercie and grace, had grantit to him his hienes Remiſſioun for the ſamin: Quhilk Remiſſioun he produceit in jugement, and tuik him thairto. Of the quhilk the tennour followis.

Letters of Remission *in favor of Mr Archibald Dowglas.*

'Jacobus Dei gracia rex Scotorum. Omnibus probis hominibus ſuis, ad quos preſentes litere peruenerint, Salutem. Sciatis, quia ex noſtris ſpecialibus gracia et miſericordia, Remiſimus tenoreque preſentium Remittimus, dilecto noſtro Archibaldo Dowglas, vni ordinariorum dominorum Conſilij et Seſſionis, pro omnibus criminibus, tranſgreſſionibus et prodicionibus, per ipſum Archibaldum, aliquo tempore ante datum preſencium, cuiuſcunque grauitatis ac qualitatis ſint commiſs., (conſpiracione tamen, conſilio, tractacione, arte, parte et executione, horribilis et deteſtabilis murthure noſtri quondam chariſſimi patris tantummodo exceptis;) pro quibus dictus Archibaldus, cognitioni noſtrorum legum ſubditus erit: Prouiſo quod dictus Archibaldus precognitione et concelatione dicti horribilis murthure nullo modo oneratus ſit; ad quod, Nos, pro diuerſis grauibus conſideracionibus Nos moven., volumus et concedimus, quod dicta Remiſſio extendatur; et quod in eadem comprehendatur omnis offenſio et crimen que dicto Archibaldo pro ſua allegata precognitione et concelatione dicte horribilis murthure vt dictum eſt imputari poſſint. Et ſupra, dictum Archibaldum, ſub firma pace et protectione noſtra,

[1] Without.

ſuſcipien. firmiter inhibemus, ne quis ei occaſione predictorum criminum, tranſgreſſionum et proditionum omnium antedict. (exceptis prius except.) malum, moleſtiam, iniuriam aut grauamen aliquod inferre preſumat iniuſte; ſuper noſtram plenariam fforiſfacturam; aut ad mortem ei inferat, ſub pena amiſſionis vite et membrorum. In cuius rei teſtimonium, has literas noſtras Remiſſionis, pro toto tempore vite prefati Magiſtri Archibaldi duraturas, ſub noſtro magno ſigillo, ſibi fieri fecimus patentes. Apud Halirudhous, viceſimo primo die menſis Maii, anno domini milleſimo quingenteſimo octuageſimo ſexto et regni noſtri decimo Nono.'

Quhilk Remiſſoun being redd oppinlie in jugement, and conſidderit be the ſaidis Juſtices, they ffand and pronunceit, that the ſecund pairt of the foirſaid Dittay, concerning the foirknawlege and conceling of the Murthour foirſaid, in reſpect thairof, ſuld nocht be put to the tryell of ane Aſſyis. Quhairvpoun the ſaid Mr Archebauld aſkit inſtrumentis.

And the ſaid Mr Archebauld altogidder denyit the firſt pairt of the ſaid Dittay, offering himſelf to the knawlege of ane condignne Aſſyis for the ſamin, wes ordanit be the ſaidis Juges to be put to the tryell of the perſonis vnderwrittin, ſummond vpoun his Aſſyis, be vertew of our ſouerane lordis lettres.

Assisa.

Patrik Maiſter of Gray,	Gilbert Gray of Baldarran,
James Coluile of Eiſter Wemis,	Mr Samuel Cokburne of Tempilhall,
Robert Logane of Reſtalrig,	George Home of Spott,
Andro Gray of Dunnynald,	Patrik Johnneſtoun, ȝounger of Elphinſtoune.
Andro Logane, younger of Cotfeild,	

And becaus the remanent perſonis of Aſſyis, ſummond, be vertew of the ſaidis Lettres, to this day, being oftymes callit, compeirit nocht, and wer amerciat thairfoir, the ſaid Mr Archebauld ſchortlie thaireftir produceit ane Warrand and Precept, direct be our ſouerane lord to the Juſtices and Aduocatis ſubſtitut foirſaid, Ordaning thame to ſupplie the nowmer of the abſentis with ſic gentillmen as mycht be gottin ſummond, ather within the burcht or at the bar: Quhilk Precept the ſaid Aduocat, for his Warrand, deſyrit to be inſert in proces; quhairof the tennour followis.

'Rex,

'Justices and our Aduocat and ȝour deput, We greit ȝow weill. We underſtand þat Mr Archebauld Dowglas is enterit preſentlie on pannell, and that his tryell ſtayis becaus þat ſic perſonis as ar ſummond vpoun his Aſſyis compeiris nocht, and þat þair laikis ȝit ſum perſonis of ane perfyte nowmer. Therfoir, it is our will that, according to þe lawis of our realme, and pratick of ȝour court, ȝe ſupplie þe abſentis with ſic gentillmen as ȝe may get, ather within our burcht of Edinburghe, or within þe bar, and caus þame be ſworne vpoun þe ſaid inqueiſt, to þe effect þe ſaid mater reſſaue na langer delay; keipand this Precept for ȝour Warrand. Subſcryuit with our hand, att Halirudhous, þe xxvj day of Maij, 1586.

(Sic ſubſcribitur.) 'JAMES R.'

Lyke as, the ſaidis Jugeis, ffor obedience of the ſaid Precept, cauſit be thair officiar, ane of our ſouerane lordis meſſingeris ſummond the perſonis following to

pas vpoun the ſaid Mr Archebauldis Aſſyis, for compleating of ane full nowmer. Thay ar to ſay,

REMAINDER OF THE ASSISE.

Williame Ker of Ancrum, ȝounger,
Mr Robert Fawſyde, ȝounger of that Ilk,
James Logane of Parſonif-knowis,
George Hammiltoun of Preſtoune,
Alexander Baillie of Litil-Gill,
Gawin Carmichell of Wrichtillandis,
Andro Ker of Grenheid,
Walter Ker, brother to the ſaid Laird of Greneheid.

Quhilkis perſonis being callit and compeirand befoir the ſaidis Juſtices, wes admittit be the ſaid Mr Archebauld to pas vpoun his Aſſyis, with the remanent perſonis aboue writtin, for tryell of his innocencie in the ſaid caus, and joynit be the Juſtices to the remanent of the nowmer admittit vpoun the ſaid Aſſyis of befoir: and thai all ſworne be thair grit aithis, to delyuer vpoun the poyntis of the ſaid Dittay, conforme to the ordour and conſuetud of this realme, ordourlie be thair names.

And immediatlie efter the cheſing and admitting and ſueiring of the haill foirnamit perſonis of Aſſyis in jugement, as vſe is, and the ſaid Mr Archebauld Dowglas being judiciallie accuſit of the horribill, deteſtabill and treſſonabill crymes contenit in the firſt poynt of the Dittay foirſaid, the ſamin being denyit be him *ſimpliciter*, oppinlie, in preſens of the ſaidis Jugeis; and referrit to the tryell and knawlege of the foirſaidis perſonis of Aſſyis; the ſaid Aduocat-ſubſtitut, for the bettir inſtructioun and verefeing of the ſaid Dittay and takinnis thairof, produceit thair, inſtantlie, the proces of ffoirfaltour led and deduceit aganis him for the ſamin in the Parliament hauldin and begun at Edinburghe the . . . . . day of . . . . . 1581 ȝeiris.

To the quhilk anſuerit the ſaid Mr Archebauld; and *ffirſt*, to the firſt takin of the ſaid Dittay, declairing that 'in þe preis and thrang of þe pepill þe tyme of þe executioun of þe ſaid murthour that he tint his mwlis, quhilkis being fund vpoune the morne, wer acknawlegeit to haif bene his;' that the ſamin wes altogidder vntrew; deſyring the ſamin to be verefeit, be ony perſounis quha wer preſent at the finding of the ſaidis mwlis, or had ſene the ſamin at ony tyme thairefter; and that the ſamin can nawayis appeir, be the Depoſitionis and declaratioune of the ſaid vmq[le] Johnne Binning, deponing, that the ſaid Mr Archebauld his maiſter, paſt in ane ſecreit[1] and ſteilbonnett, armit, to the committing of the ſaid horribill cryme, quhairby the paſſage betuix his lugeing and the place quhair the ſaid murthour wes committit, being nawayis meit to ane perſoun armit, to pas with welwat mulis to ſic ane deid; and nawayis lyklie, be gud appeirance nather, that na ſic thing wes fund; and the ſaid takin, to be bot an allegeance.—*Secundlie*, anſuerand to the ſecund takin of the ſaid Dittay,

[1] A shirt of mail privately worn under the usual dress.

makand mentioune, that 'quhen he wes to be attemptit,[1] befoir our ſouerane lord and the lordis of his hienes Secreit Counſale for the ſaid abhominable Treſſoune, vpoun the laſt day of December, the ȝeir of God I^{m}.V^{c}. and foureſcoir ȝeiris, getting intelligence þairof, wes fugitiue furth of this realme to the pairtis of Ingland for the ſamin, and that he ſchortlie thairefter, in the moneth of . . . . . (Nov.) 1581 ȝeiris, wes foirfaltit for the ſaid cryme;' exponit and declarit, that the occaſioun of the abſenting of him ſelf of the realme wes throw juſt ffeir, quhairvnto ony perſoun wald haif bene mouit, his gudis, geir, rowmes and poſſeſſionis being intromettit with, befoir ony atteiching: Lyk as, he ſchortlie efter his paſſing furth of the realme, being informit that he wes dilaitit of the ſaid horribill cryme quhairof he wes innocent, ſafare as the ſamin come to his knawlege, the Quenis Maieſties of Inglandis Ambaſſadour being in Scotland for the tyme, in his name, offerrit to preſent him to the Kingis Maieſtie, that he mycht be tryit of the ſaid cryme, ſwa that[2] thair wer deput vnſuſpect Jugeis and perſonis of Aſſyis: Quhairvnto his hienes anſuerit, that he wald nocht indent with his ſubiect. And as for the proces of ffoirfaltour produceit, the ſamin can be na witnes nor takin to conuict him of the ſaid cryme, in reſpect our ſouerane lord had grantit vnto him, his hienes Letteris of Rehabilitatioun, annulling the ſaid ſentence of ffoirfaltour, and declairing and decerning the ſamin, to be of na force nor effect, als weill in jugement as outwith, aganis him. Quhilkis Letteris he produceit in jugement, for verefeing of the ſaid allegeance as the ſamin vnder the Grit Seill, off the dait at Halirudhous the xxj day of Maii, the ȝeir of God I^{m}.V^{c}. fourſcoir ſex ȝeiris, and of our ſouerane lordis regnne the nyntene ȝeir, at mair lenth beiris.

Anſuerit the Aduocat, that the ſaidis Letteris of Rehabilitatioun can nawayis tak away the proces of ffoirfaltour, the ſamin ſtandard vnreduceit; and referrit the ſamin to be conſidderit be the Aſſyis. And forder, for verefeing of the ſaid Dittay, and thrid takin thairof, maid vpoun the ſaid Johnne Binningis Declaratioun and Depoſitioun; produceit thre of the ſaid Johnne Binningis Depoſitiounis, maid thairanent, in preſens of the Lordis of our ſouerane lordis Secreit Counſale: The firſt, maid at Edinburgh the tent day of Maii, foureſcoir ane ȝeiris, (1581) in preſens of the Erle of Argyll, Chancellare, the Erle of Arrane, the Erle of Montrois, the Lord Ruthven, Mr Robert Creychtoun of Eliok, Aduocat, and Alexander Hay, Clerk of Regiſter, ſubſcryuit be the ſaid Erle of Arrane and Alexander Hay: The ſecund, of the dait the ellevint day of Maii, in preſens of the Erle of Arrane, the Erle of Montrois, the Laird of Bargany, the Laird of Arkinglaſe, the Gudman of Manderſtoune and the Clerk of Regiſter,

[1] Attainted, forfeited. [2] Provided.

ſubſcryuit be the haill perſonis abouewrittin, auditouris to the ſaidis Depoſitionnis: The thrid, daitit at Edinburghe the xv day of Maii, the ȝeir of God I^{m}.V^{c}. fourefcoir ane, in preſens of the Erlis of Arrane and Montrois, the Lard of Arkinglas, ſubſcryuit be the ſaidis Erlis of Arrane and Montrois and the Clerk of Regiſter: ffermelie and conſtantlie deponing that the ſaid Mr Archebauld paſt to the deid-doing, the ſaid Johnne Binning and Thomas Gairner his ſerwandis being with him in cumpanie, and that the ſaid Mr Archebauld wes actuallie thairat. And forder, produceit thre vthir Depoſitionis, the ane maid be vmq^{le} James Ormeſtoune ſumtyme of that Ilk, the vther be vmq^{le} Johnne Hay ſumtyme of Tala, ȝounger, and the thrid maid be vmq^{le} Pareis, Ffrenchman.

Anſuerit the ſaid Mr Archebauld thairto, firſt, that the ſaid vmq^{le} Johnne Binningis Depoſitionis can mak na thing aganis him, conſiddering the ſamin ar altogidder variant and contrarious; in the ſelf-ſam-tyme declairing, that he wes paſt to his bed, the nycht of the committing thairof, and that the ſaid vmq^{le} Johnne paſt furth of his chalmer to his awin dwelling hous to his bed, quhair he reſtit quhill the ſaid abhominabill Murthour wes committit; and heiring the crak[1] of the blawing of the Kingis hous in the air with powder, rais and come to his ſaid Maiſteris chalmer, quhair he fand him lyand in his bed, reidand on ane buk: and in ane vther pairt of his ſaidis Depoſitionis, declairing, that the ſaid Mr Archebauld, efter that he had ſlepit in his awin chalmer that nycht of the committing of the Murthour, nane being with him bot the ſaid Johnne and Thomas Gardner, and quhen it wes lait, paſt to the committing of the ſamin, accumpaneit with thame, out at his bak ȝet; quhilk is contrarious:[2] And declairing lykewayis, that vpoun the morne thairefter, he conuoyit the ſaid Mr Archebauld to the Tolbuyth, quhilk culd nocht ſtand, ſeing the tyme of the committing thairof wes vpoun the Soneday befoir ffaſtinis-ewin, in the tyme of Vacance, quhen the Lordis ſittis nocht, and that he wes nocht vpoun the Seſſioun at that tyme; and thairfoir deſyrit the contrarieties of the ſaidis Johnne Binningis Depoſitionis to be conſidderit be the ſaidis perſonis of Aſſyis, and thame to cognos thairin, to the bettir trying of his innocence: And ſiclyk allegeit, that the ſaid vmq^{le} Johnne wes nawayis his ſerwand the tyme of the committing of the ſaid horribill Murthour, nor ȝit come in his ſeruice be the ſpace of twa ȝeiris thaireftir.

Quhairvnto the ſaid Aduocat anſuerit, that the Depoſitionis of the ſaid vmq^{le} Johnne Binning wer ſufficient to teſtifie the ſaid Dittay to be trew, ſeing in the haill heidis thairof he aggreis the ſaid Mr Archebauld to be participant of the ſaid treſſonabill and vnnaturall Murthour.—To the quhilk, anſuerit the ſaid

[1] Report. [2] Contradictory.

Mr Archebauld, That the ſaidis Depoſitionis, can not be ſufficient to verifie the ſaid Dittay, ſeing the ſaid vmq^le^ Johnne wes bot *ſingularis teſtis*, quhilk *in ciuilibus*, culd nocht be habill to preif ony actioun of geir, far-les *in criminalibus*, to tak away anie mannis lyff: And as to the fferd takin of the ſaid Dittay, allegeit maid vpoun the Confeſſioun of vmq^le^ James ſumtyme Erle of Mortoun, anſueris, that na ſic Depoſitionis wer produceit in jugement nor ȝit to the Aſſyis; and thairfoir deſyrit thame to have reſpect thairto, ſpecialie in conſideratioune that the ſaid takin beiris that the ſaid vmq^le^ Erle of Mortoune, eftir his convictioune and befoir his death, confeſſit that he him ſelf foirknew the ſaid horribill Murthour, as alſo that the ſaid Mr Archebauld wes the reuelare thairof to him, and actuallie at the executioun of the ſamin; and geveand and nocht grantand that the ſaid Depoſitioun had bene maid, ȝit the ſamin can teſtefie na thing aganis him; becaus of the law the Depoſitionis of ane conuict and condempnit perſoun can nawayis be reſſauit to beir teſtimonie aganis ane vther. And forder, anſueris to the Depoſitionis of vmq^le^ James Ormeſtoune ſumtyme of that Ilk, vmq^le^ Johnne Hay of Talo and vmq^le^ Pareis, Frenchman, that the ſamin makis na thing aganis him, na mentioun being maid of him in ony of thair Depoſitionis; bot that the ſamin ſerues rather to the bettir inſtructioune of the perſonis of Aſſyis of his innocence: And fforder, the ſaid Mr Archebauld acceptit the ſaidis Depoſitionis of the ſaidis vmq^le^ Johnne Hay, Pareis, Frenchman, and Laird of Ormeſtoun; and repeitit thame for his juſtificatioune, anent that pairt of the Dittay, quhairin wes allegeit, that he conſpyrit with thame and vmq^le^ James ſumtyme Erle of Bothwell, vpoun the treſſonabill Murthour foirſaid, be reſſoun the contrair planelie appeirit be the Depoſitionis of the ſaidis perſonis; quhairin wes contenit the haill maner of the actuall doing of the deid be thame ſelfis and vtheris thair complicis, and na mentioune maid of him; nather culd it appeir that he onywayis had knawlege thairof; deſyring the perſonis of Aſſyis to reid and conſidder the ſamin befoir ony delyuerance or writting.—Anſuerit the ſaid Aduocate, that the Depoſitionis of the ſaid vmq^le^ Johnne Binning ar ſufficient to inſtruct the ſaid Dittay, togidder with the notorietie of the ſaid deid, ſeing the ſaid vmq^le^ Johnne abaid thairat to the hour of his death: And as for the ſaid vmq^le^ James Erle of Mortounes Depoſitionis, the ſamin ar mair nor notoure to the perſonis of Aſſyis and to the haill cuntrie, and neidis na forder productioune: And thairfoir, in reſpect of the notorietie foirſaid, proteſtit, that in caice the ſaidis perſonis of Aſſyis clenge and acquit the ſaid Mr Archebauld of the ſaid horribill and crewall Murthour, for Wilfull errour: Vpon the quhilk he aſkit inſtrumentis.

Compeirit the ſamin day, Sir Williame Stewart of . . . . . , ſone lawfull to Andro Lord Stewart of Vchiltrie, as neir couſing and kinniſman to our

ſouerane lord, and proteſtit, that in reſpect the ſaid Mr Archebauld ſtandis conuict in Parliament of airt and pairt of the horribill and treſſonabill Murthour and ſlauchter of the ſaid vmq^le Henrie King of Scottis, fader to our ſouerane lord, that in caice the ſaidis perſonis of Aſſyis clenge him thairof, for Wilfull Errour; and gif he ſal happin to be fund culpabill heirefter of the ſamin, that his hienes ſal haif ſufficient actioune of Errour aganis thame. Quhairvpoun he lyke wayis aſkit inſtrumentis.

And the ſaid Mr Archebauld proteſtit in the contrair, in reſpect of his anſueris and defenſſis foirſaidis, and that the Kingis Maieſtie hes tane away the ſaid ſenſinent[1] of Parliament be his hienes Lettres of Rehabilitatioune aboue writtin, produceit in proces, of the dait foirſaid, annulling the ſaid ſenſinent: Quhairvpoun he aſkit inſtrumentis.

Verdict. And immediatlie thairefter, the ſaidis perſonis of Aſſyis aboue writtin, choſin, ſworne and admittit, as ſaid is, remouit thame ſelfis furth of the ſaid Court, for thair bettir delyuerance vpoun the poyntis of the ſaid Dittay, and being altogidder conuenit, chuſe and admittit Patrik Maiſter of Gray in Chanceller of the ſaid Aſſyis; quha, efter lang reſſoning had be thame vpoune the ſaid Dittay, takinnis and Depoſitionis produceit, defenſſis and anſueris maid thairto; thay and ilkane of thame, being ryplie auiſit thairwith, all in ane woice, but[2] diſcrepance, votit, fand and delyuerit the ſaid Mr Archebauld Dowglas, perſoun of Glaſgw, to be clene and acquit of his being in cumpany, in the monethis of Januer and Februer, the ȝeir of God I^m.V^c. threſcoir and ſex ȝeiris, with vmq^le James ſumtyme Erle of Bothwell, vmq^le James Ormiſtoun of that Ilk, vmq^le Johnne Hay ſumtyme of Talo, vmq^le Johnne Hepburne callit of Boltoune and diuerſe vtheris thair complicis, craftelie and ſecreitlie conſpyring amangis thame, deuiſing and malicioufflie conſulting, treiting and concluding the maiſt ſchamefull, deteſtabill and vnnaturall Murthour and paricide of vmq^le our ſouerane lordis darreſt fader vmq^le Henrie King of Scottis of gude memorie, ſpous for the tyme to his hienes darreſt moder Marie then Qwen of Scottis; and that within the toun of Edinburghe, palice of Halirudhouſe and vtheris places thairabout; and for the bettir performing of the ſaid wickit and execrabill interpryſe and attempt, be him ſelf and vtheris in his name of his cawſing, airt, pairt-taking, affiſtance and ratihabitioun, cuming to the ludginge beſyde the Kirk of Feild within the ſaid bur^t of Edinburghe, quhair the ſaid vmq^le Henrie King of Scottis our ſouerane lordis darreſt fader wes lugeit for the tyme, vpoun the tent day of the ſaid moneth of Februar, the ȝeir of God foirſaid, at twa houris efter midnycht or thairby; and thair be way of briganrie, hameſuckin and foirthocht fellony, maiſt wyldlie, vnmercifullie and treſſonablie murdreiſſing

[1] Sentence, finding, judgment. [2] Without.

and ſlaying of him, togidder with vmq^le William Tailzeour and Andro McCaig his cubicularis, quhen as thai, bureit in ſleip, wes takand the nychtis reft, birning his ludgeing foirſaid, raſing of the ſamin in the air be force of gwn-powlder, quhilk a litill ofbefoir wes placeit and unput be him vnder the grund and angulour ſtanis, and within the woltis and laich and darnit placis to that effect. And being re-enterit agane in jugement in preſens of the ſaidis Juſtices, be the mouth and declaratioun of the ſaid Patrik Maiſter of Gray, Chanceller of the ſaid Aſſyis, pronunceit the ſaid Maiſter Archebauld to be Acquit of the Dittay foirſaid and crymes contenit thairin: Quhairvpoune the ſaid Mr Archebauld Dowglas aſkit inſtrumentis.

PROTEST *by the Assise, that they should not be liable in Wilful Error.*

AND immediatlie thairefter the ſaid Patrik Maiſter of Gray, Chancellare of the ſaid Aſſyis, for himſelf and in name and behalf of the remanent perſonis Aſſyſouris abouewrittin, aſkit inſtrumentis, that the Depoſitionis of the ſaidis vmq^le James Ormiſtoun of that Ilk, vmq^le Johnne Hay of Talo and vmq^le Pareis, Frenchman, maid na mentioun of the ſaid Mr Archebauld, nor contenit na thing aganis him: And in reſpect thair wes na thing produceit for verefeing of the ſaid Dittay, quhairby the ſaidis perſonis of Aſſyis mycht haue bene perſuadit to have delyuerit vtherwayis nor is abouewrittin, except the Depoſitionis of vmq^le Johnne Binning, quhilkis ar bot ane witnes, and altogidder variant and contrarious in the ſelf, nor zit was the ſaid Dittay ſworne nather be the Aduocat nor na vtheris his informaris; and that the proces of ffoirfaltour led in Parliament aganis the ſaid Mr Archebauld is tane away be the Kingis Maieſteis Letteris of Rehabilitatioune, and that na Depoſitionis of the ſaid James ſumtyme Erle of Mortoune wes produceit befoir thame for fortefeing of the ſaid Dittay, and that the ſaid takin of Dittay bure the ſaid vmq^le Erle of Mortoune to haif deponit efter his conuictioune: Thairfoir, conſidering thai haif delyuerit efter thair knawleg, proteſtit that thai ſuld incure na Wilfull Errour in ony tymes heirefter. Quhilk inſtrumentis and proteſtatioune thay, efter thair re-entrie agane in jugement in the ſaid Court of Juſticiarie, cawſit be oppinlie red of new in preſens of the ſaidis Juſtices: and thairvpoune the ſaid Patrik Maiſter of Gray, Chanceller, for himſelf and in name and behalf foirſaid, of new aſkit inſtrumentis, and proteſtit in maner abouewrittin.

THE ſamin day, Sir Archebauld Naper of Edinwillie (Edinbelly) knycht, Sir Johnne Edmeſtoun of that Ilk, George Home of Wedderburne, Alexander Dalmahoy of that Ilk, ... Mowbray of Barnebugall, Francis Dowglas of Borg, Thomas Ottirburne of Reidhall, George Home of Broxſmyth, Robert Lord Seytoune, Patrik Congil of that Ilk; oftymes callit to have compeirit befoir our Juſtice or his deputtis, the ſaidis day and place in the hour of caus, to haif paſt vpoun the Aſſyſe of the ſaid Mr Archebauld Dowglas, dilaitit of airt and pairt of the ſlauchter of our ſouerane lordis darreſt fader of gud memorie; lawfull tyme of day biddin, and the ſaidis perſonis nocht compeirand to the effect foirſaid; thay and ilk ane of thame wer thairfoir amerciat in the pane of Fourtie pundis.

[*Mr Johnne Grahame, Justice-Depute.*]

Abiding from the Raid of Dumfries.

May 22, 1587.—Johnne Skowgall of that Ilk, *(plegio, Capitane Lauder,)* Patrik Hepburne of Kirklandhill,[1] *(plegio, M. Pat. Hepburne de Smetoun,)* Alexander Aitchefoun of Gosfurd, *(plegio, Thoma Marioribankis de Ratho,)* Thomas Marioribankis of Ratho, *(plegio, Alexandro Aitchesoune de Gosford,)* William Hepburne in the Nungait[2] [of Hadingtoun?] *(plegio, domino Abbate de Jedburghe,)* Johnne Sydfarf of that Ilk,[3] Gawin Dundas of Breiftmylne, James Cochran of Barbachla, Robert Bruce of Binning, James Stewinfoun of Hirdmanfcheillis, Johnne Hammiltoune of Eift Binning,[4] James Rois in Tartrewin,[5] *(plegio, Alexandro Hume de Denis,)* Mungo Tennent in Quhytkirk, *(plegio, Jacobo Rychesoun de Smetoune,)* Henry Sinclar of Quhytkirk, *(plegio, eodem Jacobo,)* Dauid Monypenny of Pilrig,[6] *(plegio, Georgio Logane portionario de Boningtoune,)* George Logane portioner of Bonyngtoun,[7] *(plegio, domino Pilrig,)* Johnne Woulf of Wadelie,[8] Williame Skirvene of Plewlandhill,[9] Alexander Tod in Dirltoune, *(plegio, Alexandro Robesoun ibidem,)* Alexander Robefoun thair,[10] *(plegio, Alexandro Tod ibidem,)* Dauid Dundas in Brigend, *(plegio, Joanne Dundas de Newlistoune,)* George Biffett in Eiftfeild, *(plegio, eodem [Joanne,])* James Veitch of that Ilk,[11] *(plegio, Archibaldo Galloway in Langnudrie,)* George Barroune in Auld Liftoune,[12] Dauid Horfbur[t] in Wefter Garntoun, *(plegio, domino Innerleyth,)* Archebauld Dowglas of Stanypeth,[13] *(plegio Josepho Dowglas de Poumferstoune,)* James Tennent of Lennox,[14] [Linhouse?] *(plegio, Josepho Dowglas ad satisfactionem,)* Alexander Creychtoune of Drylaw,[15] *(provin to be in the north the time of the proclamatioun,)* Alexander Creychtoune of Newhall,[16] *(nocht subiect to the raid be his aige,)* Alexander Michelfoune of Mortoune,

[1] Thir twa defyrit to be replegeit to the Regalitie of Sanct Androus be Mr Johnne Arthour, and continewit to laft of Maij. [2] Vltimo Maij. [3] Difchargeit be reffoun of his aig. [4] Ad Remiffionem f. d. n. regis. [5] Vltimo Maij. [6] Defyrit to be replegeit to Halyruidhous, be the Juftice Clarkis confent, vltimo Maij. [7] Replegiat. [8] Provin to be feik the tyme of the raid and difchargeit. [9] Difchargeit for his gret aig. [10] Vltimo Maii. [11] Thir defyrit to be replegeit to Torphechin be Mr Johnne Grahame, Juftice-Deput, and continewit to the laft Maij. [12] Difchargeit and paft fra. [13] Defyrit be the Erll of Angus to be replegeit to Dalkeyth. [14] In voluntate. [15] Paft fra. [16] Difchargeit.

Johnne Stewinſoune of Hirdmanſcheillis,[1] Frances Boirthuik in Bancreif,[2] *(plegio, Joanne Boirthuik eius filio cum seipso coniunctim et divisim ad satisfactionem,)* Johnne Boirthuik his ſone,[3] Mr Patrik Hepburne of Gilmertoune, *(plegio, Georgio Carkettill, burgen. de Edinburghe,)* and Wauchop of Kaikmure, *(plegio, M. Patricio Hepburne de Smetoune.)*

Dilaitit for contravening of our ſouerane lordis Proclamatioun, in abyding fra the Raid appointit to follow our ſouerane lord to Dumfreis, vpoun the ferd of Apryle laſtwes.

PRIVILEGES *of Burgesses of Edinburghe, as to Abiding from Raids, even though dwelling furth of the Burgh.*

Compeirit Mr Johnne Scharp, for the ſaidis Alexander Aicheſoun and Thomas Marioribankis, and alledgeit, that thay aucht nocht to be put to the knawledge of ane Aſſyis, for abyding fra the Raid, becaus thay ar burgeſſis of Edinburghe, and ſtent, watcht and waird with the burgeſſis thairof, quha paſt nocht in proper perſoun in to the Raid, bot ſend men att the Kingis deſyre, and wer ſtentit to that effect; of the quhilk ſtent, thai payit thair pairt: And lyke as, the ſaid remanent Burgeſſis could nocht be trublit for abyding fra the ſaid Raid, nane[4] could thay.

The Aduocat anſuerit in the contrair, and allegeit that the ſeruice of thair perſounes aucht to be tane quhair thay remane,[5] and becaus thay remane out of the bur^t^, and hes landis lyand out of the bur^t^ quhair thay remane, ewin as thair landis ar ſubiect to ane ſtent by[6] the ſtent of the bur^t^; ewin ſwa thair perſonis ſould ſerue quhene the King makis his Proclamatioune.

The Juſtice continewis Interloquitour to the laſt day of Maij inſtant.

(May 31.)—INTERLOCUTOR *anent Burgeſſis duelland out of Edinburghe.*

THE Juſtice findis be Interloquitour, that the ſaidis Alexander Aitcheſoune and Thomas Marioribankis ſall nocht be put to the knawledge of ane Aſſyis, in reſpect of the alledgiance proponit be thame, that thay wer burgeſſis of Edinburghe, and that thay ſtentit and ſkattit[7] with the toune thairof. And this Interloquitour to extend in tymes paſt.

Henry Sinclar of Quhytekirk and George Logan portioner of Boningtoune aſſoilȝeit,[8] becaus thair moderis are lyfrenteris of their landis. James Veitch of that Ilk, George Barroune in Auld Liſtoune, Dauid Dundas in Brigend, George Biſſett in Eiſtfeild, aſſoilȝeit, becaus thay haif nocht ffywe oxgangis[9] of land. Alexander Tod in Dirltoune and Alexander Robeſoun thair, aſſoilȝeit, becaus thay haif na heretage.

[1] Ad remiſſionem. [2] Voluntate. [3] Diſchargeit be the Juſtice becaus the ſone and father ar nocht bayth ſubiect to the Proclamatioun. [4] Neither. [5] Dwell, have their residence or place of abode. [6] Over and above, besides. [7] Paid assessment and taxations. [8] Absolved. [9] Ploughgates, ox-gates.

The remainder of the cafes continued to the Juftice-aire of Edinburghe, 'tercio Itineris, vel fuper premonicione xv dierum.'

Slaughter.

May 23.—Archibald Maxwell, brothir to the Gudman of Dinwiddie, Williame Maxwall his fone and Dauid Maxwall his feruand.

Dilatit of airt and pairt of the crewall flauchter of vmq^le Robert Maxwall of Coweftanis, committit in Junii 1583.

Continued to the Juftice-air of 'Dumfries, tertio Itineris, (vel fuper premonitione) xv dierum; per Preceptum regis.'[1]

Treason—Counterfeiting King's Stamp, &c.

May 23.—Patrik Maister of Gray.

Comperit Mr Dauid M'Gill of Nifbet, Aduocat to our fouerane lord, and produceit the Dittay after fpecefeit and defyrit proces; of the quhilk the tennour followis.

Dittay *against the Maister of Gray.*

Patrik Maister of Gray, ȝe ar indytit and accufit, that ȝe haif laitlie, within þe fpace of þis ȝeir bypaft, writtin, delt and travellit to France, for findrie materis preiudiciall to þe Religioune prefentlie profeft be our fouerane lord and his fubiectis; and therefore, to haif had libertie of confcience, or otherwyis to fy (fay) forme of Religioune, to haif bene vfit att ewerie manis awin appittite within þe realme; incontrair þe tennour of þe Actis of Parliament; incurrand þairthrow the panis contenit in þe famin. *Secundlie,* Indytit and accufit, that during þe tyme foirfaid, he hes intendit to deill with fum perfonis in France, that be þair moyane, throw his informacioun, oure fouerauis mariage with þe King of Denmarkis dochtir (being ane deid honeft and lauchtfull in prefens of God and men) mycht haif bene ftayit; takand thairthrow vpoun him, without ony warrand, forder thane becumit ane fubiect of his dewtie to haif done; fpeciallie, in that his intentioune tendit to þe hindrance of þe Kingis mariage, being ane act proffitabill to þe commoun welth of þis realme. *Thrydlie,* Indytit and accufit, for þe vndewtifull wryting of lettres, concerning the eftait of his Maieftie and þe realme, in Ingland; without his Maiefteis knawledge or command; thairthrow, exceding far þe dewtie of ane fubiect. *Ferdlie,* Indytit, that he has travellit in materis quhilk mycht haif deftroyit the eftait of þis realme, quhilk trawell, gif it had tane effect, his Maiefteis perfoun mycht haif bene indangerit, committing þairthrow the cryme of Treffoune. *Fyftlie,* Indytit,

[1] Plegio, Roberto Maxwall de Dinwiddie milite.

for counterfitting of þe Kingis ſtamp,[1] and putting of þe ſamin to ane letter writtin with his Maieſteis awin hand, without his command or auctoritie to do þe ſamin; and ſiclyke, for retening and keping of þe ſamin ſtamp in his handis. *Saxtlie,* Indytit for diuers and ſindrie vtheris offences and crymes of Treſſoun, alreddie declarit and confeſt be him to his Maieſteis ſelf; quhairof he is giltie; quhilk he can nocht deny. Lyke as, the haill pointis of Dittay aboue writtin ar of veritie, as he can nocht deny þe ſamin, nor na pairt þairof.

The ſaid Patrik Maiſter of Gray offerit himſelff and become in oure ſouerane lordis will and mercie for the ſaidis crymes.

Slaughter—Hamesucken.

Aug. 30.—Thomas Bonkle, cuitlar, burges of Edinburgh.

Dilaitit of airt and pairt of the felloune and crewall ſlauchter of vmq^le^ Peter Heriot, induellar in Leyth, brother germane to James Heriot of Trabroune; committit be way of Hameſuckin, within the toune of Leyth, vpoune the xxix day of Auguſt inſtant.

Persewar, James Heriot of Trabroune.

Verdict. The Aſſyis, being purgeit of partiall counſall, choſin, ſworne and admittit, and the ſaid Thomas being accuſit be Dittay, of the cuming be way of Hameſuckin to the ſaid vmq^le^ Petir Heriotis duelling hous in Leyth, and ſetting vpoun him foirnent the ȝett[2] thairof, with ane drawin ſword, quhairwith he maiſt crewallie and ſchamefullie ſlew (him); vpoun ſett purpois and proviſioune, &c.; ſtand, pronunceit and declarit the ſaid Thomas Bonkle to be ffylit and convict of the ſlauchter of the ſaid vmq^le^ Petir.

Sentence. The Juſtice ordanit the ſaid Thomas Bonkle to be tane to the toune of Leyth, and thair, at place appointit, his heid and rycht arme to be ſtrukin fra his bodie; and all his movable gnidis to be eſcheit and inbrocht to oure ſoueraue lordis vſe, for the ſaid cryme. This dome pronunceit be James Niſbett, dempſtar of Juſtice Courtis.

Slaughter.

Jan. 23, 1587-8.—Archbald M^c^Brair of that Ilk.[3]

Dilatit of airt and pairt of the ſlauchter of vmq^le^ Archibald Newall, burges of Drumfreis; committit in (the firſt day of) Apryle laſtbypaſt.

Persewar, Mr Dauid M^c^Gill of Niſbet, Aduocat. Proloquitour, Mr Thomas Craig.

The Juſtice, be Interloquitour, repellit the haill defenſſis proponit ȝeſterday,

[1] The King's *caſhet*, or *cachet*, a device invented to relieve his Majesty from subscribing so many official writs. This is still in use in Scotland in the case of signatures, and other official writs, formerly requiring the King's sign manual. The cashet is now in the custody of the Keeper of the Great Seal. [2] Gate. [3] See Jul. 2, 1588.

contenit in the Minute-buik and proces proponit for the ſaid Archbald M^c^Brair, in reſpect of the anſuer maid thairto be the Aduocat, and ordanit him to be put to the knawledge of ane Aſſyiſe.

Assisa.

George Dundas of that Ilk, John Lewingſtoune of Belſtane, Johnne Gordoune of Culquha, Johnne Maidland of Anchingaſtill, Williame Wallace of Johnſtoune, Adam Wallace, merchand thair, Peter Cowdene, thair, James Henderſoun, thair, Mathow Stewart of Bewelaw, Johnne Maure, burges thair. Thomas Inglis, portionar of Auld Liſtoune, William Naipar of Wrychtilhouſſis, Mungo Ruſſell, burges of Edin^r^,

Verdict. 'The Aſſyſe, be thair delyuerance, pronunceit be the mouth of George Dundas of that Ilk, Chancellar, ffand and declarit, the ſaid Archbald M^c^Brair to be convict and fylit, as culpable and giltie of airt and pairt of the ſlauchter of the ſaid vmq^le^ Archbald Newall; and clangeit him of ony Murthour, and the circumſtance, viz. the caſting of him in the watter of Neth,' &c.

Sentence. To be tane to ane ſcaffeld beſyde the mercat-croce of Edinburghe, and thair his heid ſtrikin fra his body; and all his movable guidis to be eſcheit to our ſouerane lordis vſe, as convict of the ſlauchter of the ſaid vmq^le^ Archbald.

Hurting and Wounding.

Feb. 9.—Hobbie Nisbet, vagabund.

Dilatit of the hurting and wounding of George Park, crealman, duellare in Eiſter Fairny, in his hind-heid; and for taking of his purs fra him, with ten poundis money thairin; committit the xvij day of Januar laſtbypaſt, betuix Kingorne and Bruntyland.

The ſaid Hobbie come in the Kingis Will for the ſaid cryme, and reſſauit thairin be the Juſtice; and committit to waird within the Tolbuith of Edinburghe.

[*Mr James Wardlaw, Justice-Depute.*]

Cattle-stealing.

Mar. 25, 1588.—James Dalgleisch in Blacok,[1] Nicoll Bryden in Kittiſcleuch.[2]

Dilatit of certane pointis of Thift, viz. The ſaid James for the inbringing of Dauid Ellot callit *the Carling*, Hobbie Ellot callit *Hob Billie* and vtheris thair complices, commoun thewis, to the landis of Halbyre, beſide the Lone-ſtane; and ſteling furth thairof of ten kye; committit in October 1581; and vtheris pointis of thift contenit in the lettres. The ſaid Nicoll Brydin dilatit for the

[1] Plegio, Jacobo Adamſoun, burgen. de Edinburghe. [2] Plegio, Joanne Adamſoun, burgen. ibidem.

thifteous inbringing of Hobbie Armſtrang callit *the Pett*, William Howatſoun in Bowthink. Walter and Hobbie Armſtrang callit *Helenes Hobbie* and vtheris thair complices, to the landis of Freirtoun, pertening to the Laird of Corſtorphin, and for the thifteous ſteling furth thairof of ane broun meir, with the haill infycht, guidis and geir, and vtheris crymes of thyft contenit in the lettres.

The perſounes on pannell aſkit inſtrumentis of thair entrie, and that thay offerit thame reddie to abyde the tryall of ane Aſſyis, for the ſaidis crymes, and all vtheris ſpecifeit in the lettres; diſſaſſenting to ony continewatioun; Proteſting, in reſpect that na partie, nor the Aduocat, comperit nocht to perſew, that na lettres be grantit aganis thame in tymes cuming.—Continued to the Juſticeaire of Edinburghe, '3° Itineris, vel ſuper premonitione xv dierum.'

[*Mr Johnne Grahame, Justice-Depute.*]

Fire-raising — Burning of the Place of Pitmeddene.

Maii 17.—WILLIAM LESLIE in Lytill Warthill,[1] Adam Watt at the Mylne of Weſthall, Williame Leſſell, meſſinger at the Kirk of Inch, Michaell Leſlie in the Inch of Warthill, Patrik Leſlie, ſone to James Leſlie, burges of Abirdene.[2]

Dilatit of airt and pairt of the treſſonabill Birning of the Place of Pitmeddene, togidder with the haill infycht guidis and geir being thairin, to the availl of ffyve thowſand markis, pertening to Alexander Abircrumbie of Pitmeddene; committit in March laſtbypaſt.

PERSEWARS.	PRELOQUITOUR for the pannell.	
Alexander Abircrumbie of Pitmeddene,	The Erll of Bothwell,	The Lord Hwme,
Mr Dauid McGill, Aduocat.	The Coronall Stewart,	Mr Thomas Craig,
	Mr Alexander Lindſay,	Mr Alexander King.

It wes alledgeit be the pannell, that na proces can be led aganis thaim, ſeing it is lycht[3] that thay haif committit Treſſoun, in birning of the ſaid hous of Pitmeddene; and that all perſounes committeris of treſſoune, ſould be ſummond vpoun fourtie dayes wairning, and that thay ar nocht ſummond vpoune fourtie dayes wairning; thairfore na proces.—The Aduocat paſt fyrſt fra that pairt of the lybell, makand mentioune of the Treſſoune; and anſuerit, that proces ſould be had aganis thame, in reſpect of ane Act of Parliament, maid in King James the Fyft tyme, in the quhilk it is provydit, that ffyre-raſing ſould be ſummond as Slauchter.

The Juſtice continewit Interloquitour to the morne.

[1] Plegio, Normando Leſlie, burgen. de Abirdene [2] Plegio, Domino Hume. [3] Luce clarior.

Hamesucken—Fire-raising, &c.

May 17.—Williame Leslie, apperand of Warthill.

Comperit Williame Leslie, apperand of Warthill, and exponit and declarit, that he vnderstuid that he wes speciallie contenit in the Lettres rasit at the instance of Alexander Abircrumbie of Pitmeddene, Robert and James Abircrumbie his sonis, for summonding of him, to haif fund cautioune, that he sould haif comperit this day and place, and vnderlyne the law, for cumming be way of Hamesukkin, accumpaneit with Johne Leslie, apperand of Torquhane and diuers vtheris personis, his complicis, specifeit in the saidis vtheris lettres, assageing of the said Place of Pitmeddene; and for the tressonabill rasing of ffyre thairin, and birning and distroying of the said place, togidder with the haill insycht guidis and geir being thairin, pertening to the said Alexander Abircrumbie, to the awaill of fyve thowsand markis money; committit vpoune the penult day of March lastbypast.

And albeit, he wes nathir summond, be vertew of the saidis letteris, to find cautioun, nathir ȝit fand he cautioune for this comperance this day and place, to vnderly the law for the crymes aboue writtin; ȝit nochtwithstanding he, for tryall of his innocencie, comperit and offerit him reddie to abyde the tryall of ane Assyis for the saidis crymes; dissassenting to ony continewatioune, and requyrit of the said Alexander Abircrumbie of Pitmeddene, gif he wald insist in his persute thairfore: Quha declarit att the bar, in presens of the Justice, that he knew the said William Leslie to be innocent of the crymes aboue writtin; and thairfore wald desist fra all pursueing of the said William. Quhairvpoun the said William askit instrumentis.

May 18.—The Justice ffindis be Interloquitour, that the Lettres rasit be the said Alexander Abircrumbie aganis the personis thairin now on pannell, (William Leslie of Little Warthill being absent), sould be putt to ane Assyise, nochtwithstanding the alledgance proponit be thame ȝistirday.

In consequence of only nine persons of Assise appearing, continued to the Justice-aire of 'Abirdene, 3tio Itineris, xv dierum.'

Sorcery—Witchcraft—Incantation, &c.

May 28.—Alesoun Peirsoun in Byrehill.

Dilatit of the pointis of Wichcraft eftir specifeit.

Assisa.

Dauid Dalgleisch, maltman in St Andros,
David Guidlett, maltman thair,
Charles Watsoun, notar thair,
Thomas Rekie, maltman thair,
Johnne Hegie, maltman thair,
Thomas Lentrene thair,
Florence Strang in Carnpykis,
George Kinȝeow thair,
James Chaiplane in Pittinweyme,
Robert Meluile thair,
Alexander Blak thair,
Alexander Maltman in Anstruthir,
Thomas Kinȝew, baillie in Pittinweyme.

VERDICT. The ſaid Aleſoune, being put to the knawledge of ane Affyis of the perſonis aboue writtin, wes conuict be thair delyuerance, of the vſing of Sorcerie and Wichcraft, with the Inuocatioun of the ſpreitis of the Dewill: ſpeciallie, in the viſioune and forme of ane Mr William Sympſoune, hir couſing and moder-brotheris-ſone, quha ſche affermit wes ane grit ſcoller and doctor of medicin, that haillit hir of hir diſeis in Lowtheane, within the toun of Edinburghe, quhair ſcho reparit to him, being twell ȝeiris of aige; and thair cuming and ganging be the ſpace of ſewin ȝeiris, quhen ſcho wes helpit of hir ſeiknes, quhilk ſcho had quhan hir poiſtee[1] and power wes tane fra hir hand and fute; continewing thairby in familiaritie with him, be the ſpace foirſaid; dealing with charmes, and abuſing of the commoun people thairwith, be the ſaid airt of Wichcraft, thir diuers ȝeiris bypaſt.—(2.) ITEM, for hanting and repairing with the gude nychtbouris and Quene of Elfame,[2] thir diuers ȝeiris bypaſt, as ſcho had confeſt be hir depoſitiounis, declaring that ſcho could nocht ſay reddelie how lang ſcho wes with thame; and that ſcho had freindis in that court quhilk wes of hir awin blude, quha had gude acquentance of the Quene of Elphane, quhilk mycht haif helpit hir: bot ſcho wes quhyles weill and quhyles ewill, and ane quhyle with thame and ane vthir quhyle away; and that ſcho wald be in hir bed haill and feir, and wald nocht wit quhair ſcho wald be or the morne: And that ſcho ſaw nocht the Quene thir ſewin ȝeir: And that ſcho had mony guid freindis in that court, bot wer all away now: And that ſcho wes ſewin ȝeir ewill handlit in the Court of Elfane and had kynd freindis thair, bot had na will to viſſeit thame eftir the end: And that itt wes thay[3] guid nychtbouris[4] that haillit hir vnder God: And that ſcho wes cuming and gangand to Sanct Androus in hailling of folkis, thir ſaxtene ȝeiris bypaſt.—(3.) ITEM, conuict of the ſaid airt of Wichecraft, in ſa far, as be hir Depoſitioune ſcho confeſt that the ſaid Mr Williame Sympſoun, quha wes hir guidſchire-ſone,[5] borne in Striuiling, his fader wes the Kingis ſmyth, lernit hir craft, quha wes tane away fra his fader be ane mann of Egypt, ane gyant, being bot ane barne, quha had him away to Egypt with him, quhair he remanit to the ſpace of tuell ȝeiris or he come hame agane; and that his fader deit in the meane tyme for opining of ane preiſt-buik and luking vponne it: And that the ſaid Mr Williame haillit hir, ſone eftir his hame cum-

[1] *Pouſſie, poteſtas.* [2] The brownies or fairies, and the Queen of Faery, (*q. d. elf-hame?*) [3] These.
[4] 'In the hinder end of Harveſt, on All-Hallowe'en, When our Good-neighbours does ride, if I read richt,
Some buckled on a bunewand and ſome on a bean, Ay trottand in troups from the twilight;
Some ſaidled a ſhe-ape, all grathed into green, Some hobland on a hemp-ſtalk, hovand to the hight;
The King of Pharie and his Court, with the Elf Queen, With many elfiſh Incubus was ridand that night.
There was an Elf on an ape, an wafel begat, Into a pot by Pomathorne;
That bratchart in a buſſe was borne; They fand a monſter on the morn,
War faced nor a cat.' *Flyting againſt Polwart*, Watson's Coll. Part III. p. 12.
[5] Grandfather's son, paternal uncle. He is called 'hir couſing and moder-brotheris-ſone,' above.

ing.—(4.) Item, that ſcho being in Grange-mure, with the folkis that paſt to the Mure, ſcho lay doun ſeik alane; and thair come ane man to hir, cled in grene clathis, quha ſaid to hir, 'Gif ſcho wald be faithfull, he wald do hir guid;' and that ſcho ſeing him, cryit for help, bot nane hard hir; and thane, ſcho chargeit him, 'In Godis name and the low he leuit one,' that if he come in Godis name and for the weill of hir ſaull, he ſould tell: Bot he gaid away thane, and apperit to hir att ane vther tyme, ane luſtie mane, with mony mene and wemen with him: And that ſcho ſanit hir and prayit, and paſt with thame fordir nor ſcho could tell;[1] and ſaw with thame pypeing and mirrynes and gude ſcheir, and wes careit to Lowtheane, and ſaw wyne punchounis with taſſis with thame: And quhene ſcho tellis of thir thingis, declarit, ſcho wes ſairlie tormentit with thame: And that ſcho gatt ane ſair ſtraik, the fyrſt tyme ſcho gaid with thame, fra ane of thame, quhilk tuke all the poiſtie[2] of hir car ſyde fra hir, the mark quhairof wes blae and ewill faurrit;[3] quhilk mark ſcho felt nocht, and that hir ſyd wes far war.[4]—(5.) Item, that ſcho ſaw the guid nychtbouris mak thair ſawis,[5] with panis and fyris; and that thay gadderit thair herbis, before the ſone ryſing, as ſcho did: And that thay come verry feirfull[6] ſumtymes, and fleit[7] hir verry ſair, and ſcho cryit quhene thay come: And that thay come quhyles anis in the aucht dayes, and quhene ſcho tauld laſt of it, thay come to hir and boiſtit[8] hir, ſaying, ſcho ſould be war handlit nor ofbefoir;[9] and that thaireftir thay tuke the haill poiſtie of hir ſyde, in ſic ſoirt, that ſcho lay tuentie oulkis[10] thaireftir: And that oft tymes thay wald cum and ſitt beſyde hir, and promeſit that ſcho ſould newir want, gif ſcho wald be faithfull and keip promeis; bot, gif ſcho wald ſpeik and tell of thame and thair doingis, thay ſould martir hir: And that Mr Williame Sympſoun is with thame, quha haillit hir and teichit hir all thingis, and ſpeikis and wairnis hir of thair cuming and ſaulfis hir; and that he was ane ȝoung man nocht ſax ȝeiris eldar nor hirſelff; and that ſcho wald feir quhene ſcho ſaw him;

[1] 'Ane carling of the Quene of Phareis, That ewill-win geir to Elphyne careis,
Through all Braid-Albane ſcho hes bene, On horſbak on Hallow-ewin;
And ay in ſeiking certayne nyghtis, As ſcho ſayis, with fur fillie wychtis;
And names out nychtbouris ſex or ſewin, That we belevit had bene in heawin.
Scho ſaid ſcho ſaw thame weill aneugh, And ſpeciallie gude *Auld Baleleugh*,
The Secretare and ſundrie vther; Ane *Williame Sympſone*, hir mother brother,
Whom fra ſcho hes reſavit a bnike, For ony herb ſcho lykis to luike:
It will inſtruct hir how to tak it; In ſaws and ſillubs how to mak it;
With ſtones that mekill mair can doe, In Leich-craft, whair ſcho layis them toe.
A thowſand maladeis ſcho hes mendit. Now being tane and apprehendit,
Scho being in the Biſchopis cure, And keipit in his Caſtell ſure,
Without reſpect of warldlie glamer, He paſt into the Witchis chalmer.'
Legend of the Biſchop of St Androis, p. 321.

[2] *Pouſtie, poteſtas*, viz. took the power of her left side from her. [3] Diſcoloured and ill-looking.
[4] Worse. [5] Salves, ointments. [6] Modern Scotch, 'fearsome,' frightful. [7] Terrified.
[8] Boasted, rated, scolded, threatened. [9] She should be worse handled than formerly. [10] Twenty weeks.

and that he will appeir to hir ſelff allane before the Court[1] cum; and that he before tauld hir how he wes careit away with thame out of middil-eird: And quhene we heir the quhirll-wind blaw in the ſey, thay wilbe commounelie with itt, or cumand ſone thaireftir; than Mr Williame will cum before and tell hir, and bid hir keip hir and ſane hir, that ſcho be nocht tane away with thame agane; for the teynd of thame[2] gais ewerie ȝeir to hell.—(6.) ITEM, of hir confeſſioune maid, That the ſaid Mr Williame tauld hir of ewerie ſeiknes, and quhat herbis ſcho ſould tak to haill thame, and how ſcho ſould vſe thame; and gewis hir his directioune att all tymes: And in ſpeciall, ſcho ſaid, that he tauld hir, that the Biſchop of Sanct Androus[3] had mony ſeikneſſis, as the trimbling fewer,[4] the palp,[5] the rippillis[6] and the flexus;[7] and baid hir mak ane ſaw[8] and rub it on his cheikis, his craig, his breiſt, ſtommak and ſydis: And ſiclyke, gaif her directiounis to vſe the ȝow mylk,[9] or waidraue[10] with the herbis, claret wyne; and with ſume vther thingis ſcho gaif him ane ſottin[11] fowll; and that ſcho maid ane quart att anis, quhilk he drank att twa drachtis, twa ſindrie dyetis.[12]

[1] Before the Court of Elfame. [2] A tithe, or tenth part of them. This singular part of the prevailing superstition, the Editor has seldom before met with. It suggests a strange idea of a kind of intermediate state of existence, maintained by the 'guid nichtbouris,' through the medium of evil spirits; and for this extraordinary privilege, they were annually *decimated*, or forced to pay tithe to 'Sathanas,' their lord paramount. The *wallydraigles* of this foul nest were no doubt pitched upon for payment of the annuity, and Maiſter Williame was jealous of the fate of his unfortunate relative, Alisoun. In the introduction to the Tale of Young Tamlane, Sir Walter Scott remarks, 'This is the popular reason assigned for the desire of Fairies to abstract young children, as substitutes for themselves in this dreadful tribute,' (paying the kane, or teind, to hell.)

'Then I would never tire, Janet, In Elfiſh land to dwell;
But aye at every ſeven years, They pay the teind to hell;
And I am ſae fat and fair of fleſh, I fear 'twill be myſell!'

The Editor begs to refer the reader to the Essay 'On the Fairies of Popular Superstition,' in *The Border Minstrelsy*, edit. 1821, vol. ii. p. 109.

[3] The celebrated Patrick Adamsone, Archbishop of St Andrews, 'ſummus Papanorum hoſtis, inter quos delituit extremo vite diſpendio'! That such a character as his grace should have stooped to take advice of a poor witch for the cure of his bodily infirmities, appears strange indeed. [4] Fever and ague. [5] Palpitation at the heart? [6] Weakness in the back and loins. [7] Probably the flux. [8] Salve. [9] Ewe-milk. [10] Perhaps the herb woodroof? [11] Sodden. [12] A pretty decent draught for an Archbishop! The claret and capon would prove more acceptable to his grace than oceans of ewe-milk, and such like potations. In that cutting satire, 'The Legend of the Biſchop of St Androis,' his trafficking with Witches is thus recorded.

—— 'Sic ane ſeiknes hes he tane, That all men trowit he had bene gane;
For leitchis mycht mak no remeid, Thair was na bute to him hot deid.
He ſeing weill he wald nocht mend, For Phetaniſſa hes he ſend,
With Sorcerie and Incantationes, Raiſing the Devill with invocationes,
With herbis, ſtanis, bukis and bellis, Menis memberis and ſouth-runing wellis;
Palme-croces and knottis of ſtreaſe, The paring of a preiſtis auld tees;
And *in principio* ſocht out ſyne, That vnder ane alter of ſtane had lyne
Sanct Jhones-nutt and the foure-levit claver, With taill and mayn of a baxter aver,
Had careit hame heather to the oyne, Cuttit off in the cruik of the moone;
Halie water and the lamber beidis, Hyntworthe and fourtie vther weidis:
Whairthrow the charming tuik ſic force, They laid it on his fat whyte horſe.
As all men ſaw, he ſone deceiſit: Thair Saga flew ane ſaikles beaſt.
This wald not ſerve; he fought ane vther, Ane devill duelling in Anſtruther
Exceading Circes in conceatis, For changene of Wiſſes meatis,' &c.

Sentence. The particulars of the procedure which took place in Court, and of the sentence pronounced against this unhappy woman, are not inserted in the Record: There is merely a marking in the margin of the Record, 'Conuicta et Combusta.' The scene of her suffering was likely the Castle-hill of Edinburgh, where, after being 'wirreit at ane ſtaik,' she would be 'brint in affis.'[1]

Slaughter.

Jun. 22.—Adam Creychtoun, fear of Ruthvennis.

Being enterit on pannell as becam in our ſouerane lordis will of before in ane Court of Juſticiarie, hauldin in the tolbuith of Edinburghe, the xxij day of Maij laſtbypaſt, for certane crymes, viz. the ſlauchter of vmq^le James Creychtoun att the mylne of Ruthvennis, committit in the moneth of Februar laſtbypaſt, and vmq^le Tyrie of Drumkilbo, committit in the moneth of December 1581 ȝeiris; his hienes temperand juſtice with mercie, for certane reſpectis moving his Maieſtie be his Precept, &c. Ordanit the Dome eftir following, to be pronunceit aganis him.

'Rex,

'Justice, Juſtice-Clark and ȝour Deputes: We greit ȝow weill. Forſamekle as Adam Creychtoun ffear of Ruthvennis, being callit and perſewit before ȝow, for ſindrie crymes committit be him; and ſpeciallie, for þe crewall ſlauchter of vmq^le James Creychtoun att þe mylne of Ruthvennis, laitlie committit be þe ſaid Adam, vpoun ſett purpois: ffor þe quhilk, he being apprehendit and putt in waird, within our Tolbuith of Edinburghe, and purſewit conforme to þe lettres direct þairvpoun; and nocht able to abyde oure lawis, he is becum in our will, to be pwneiſt þairfore as we pleis. And we mynding, that ſic ane horribill fact ſould nocht paſſe without ſom pwneiſment, att the erneſt ſuit of oure rycht traiſt couſing, Johnne Erll of Mar Lord Erſkein, and ſum vthir reſpectis mouing ws, hes ſparit the executioun of þe ſaid Adam to þe death, for þe crymes foirſaid, vpoun þis conditioune, that within þe ſpace of . . . dayis nixt eftir þe dait heirof, that he ſall depart furth of oure realme, and remane furth of þe ſamin, in perpetuall baneiſment and exyle, during all the dayes of his lyftyme; with certificatioun and[1] be faiłȝie and do in þe contrar, that he being att ony tyme heireftir apprehendit

'Heiring how Witches wrang abuſit him, The Kirkmen calld him and accuſed him,
And ſcharplie of theis pointis reproved him, That he in Sorcerie beleavit him,
Whairthrow his ſaule mycht come to ſkaith, The Witche and he confeſſing bayth,
Scho tuik ſome part of white wyne dreggis, Wounded rayne and blak hen eggis,
And made him droggis that did him gude,' &c.—Dalyell's *Scottish Poems*, ii. 318.

[1] Whether the following entry in the Books of Privy Council has reference to a relation of 'Maiſter Williame,' the Editor leaves to the reader to determine.

Apud *Edinburgh, quinto Septembris, anno, &c.* lxxvij° (1577.) The quhilk day, Capitane Johnne Vddart become actit and obleiſt, as cautioner and ſouirtie for Maiſter Thomas Symſoun, ſumtyme ſeruand to vmquhile Thomas Dauidſoun ypothicar, That the ſaid Maiſter Thomas ſall remane within this realme and nocht depart furth of the ſamyn in tyme cuming, without ſpeciall licence of my lord Regentis Grace, vnder the pane of fyve hundreth merkis. And Johnne Symſoun, miniſter at Kennowy, obleiſt him to releif the ſaid Capitane Johnne of the premiſſis, and off all pane and dangeare that he ſal happen to ſuſtene thairthrow.

(Sic ſubſcribitur) Johnne Vddart with my hand, Johnne Symsoun miniſter with my hand.

[2] *An*, if.

within our realme, be ony of oure judgeis or vtheris oure ſubiectis, that þe panis of death ſalbe execute vpoune him, without ony mercy. Quhairfore, it is oure will, and we command ȝow, that incontinent eftir þe fycht heirof, ȝe inſert þis oure Declaratioun in ȝour act of Adjournall, to remane þairin as decreit of convictioune aganis the ſaid Adam, in tyme cuming. Subſcryuit with oure hand, att Dumfries, the auchtene day of Junij, 1588.

'JAMES R. J. M. CANCELLARIUS.'

SENTENCE was pronounced by the Juſtice accordingly.

Slaughter.

Jul. 2.—ROBERT M^c^BRAIR of Almagill.[1]

Dilatit of the ſlauchter of vmq^le^ Archibald Newall, burges of Drumfreis; committit in Apryll, 1587.

PERSEWARIS.	PRELOQUITOUR.
Eſter Hill the relict, Mr Danid M^c^Gill, aduocat.	Mr Johnne Ruſſell, Johnne Halyday.

The ſaid Robert M^c^Brair produceit ane Precept, ſubſcryuit be the King and his Chancillar, orderand the mater to be continewit; quhilk the Juſtice obeyit, 'Drumfreis, tercio Itineris, xv dierum.'[2]

[*Mr Williame Oliphant, Justice-Depute.*]

Jul. 22.—Comperit William Commendater of Pittinweme, as Preloquitour for him, (the ſaid Robert M^c^Brair,[3]) and thair in judgement, in preſence of the ſaid Juſtice-depute; ſeing that vmq^le^ Archebald M^c^Brair of Almagill (of that Ilk) wes execute for the ſaid ſlauchter, and that the ſaid Robert wes innocent thairof, offerit in the ſaid Robertis name to refer for his part of the ſatisfactioune of the ſaid ſlauchter, gyft of eſcheit and vthir mater debatabill betuix him and Eſter Hill, the relict of the ſaid vmq^le^ Archebald Newall, preſent att the bar, and purſewar of him, to be modifeit and decydit be the Kingis Maieſtie, or ony foure of his hienes Counſall: And the ſaid Eſtir Hill anſuerand be Mr Dauid M^c^Gill of Niſbet, aduocat for his hienes interes, lykewyis perſewar, declarit that his hienes deſyrit hir to purſew the law; and ſwa refuſit to refer the ſaid mater in maner aboue written. Quhairvpoune the ſaid Williame Commendater of Pittenweme aſkit inſtrumentis.

(Jul. 23.)—This caſe was continued, firſt to July xxiij.[4]

(Nov. 2.)—It was then delayed to Nov. ij, when the pannell produced Letters of Remiſſioun, granted by the King in his favor; Thomas Stewart of Gaſtoun and Walter Gladſtanis of that Ilk, having become ſureties, 'ad ſatiſfaciend. partibus.'

[1] See Jan. 23, 1587-8. [2] Plegio, Johnne Lyndſay de Covintoune: 'Releuit heireſtir be his entrie.' [3] Plegio, Andrew Blair de Ardblair. [4] When 'the Kingis Maieſtie haſing commandit the perſewaris and defender, to ſubmit all materis debetabill betuix thame, to four Lordis of the Seſſioune, the Juſtice continewit this mater to the xxviij day of Julij inſtant.'

[*Mr Johne Grahame and Mr Williame Oliphant, Justices-Deputes.*]

Slaughter—Witchcraft—Adultery.

Jul. 26.—Johnne Myllar in Middill Cairny, and Meriory Blaikie in Cairny.

Dilaitit of airt and pairt of the ſlauchter of vmq^le^ Williame Robertſoun in Cairny, in bewitching of him; committit in Apryle, 1585: And for Adulterie committit be athir of thame with vthiris.

Continued to the Juſtice-aire of Perth, 'tercio Itineris, xv dierum.'

[*Mr Williame Oliphant, Justice-Depute.*]

Incest.

Aug. 22.—Sir James Hammiltoun of Crawfurd, knycht, and Marioun Hammiltoun his dochter naturell.

Hew Somerwall in Carſwall, oft tymes callit to haif produced our ſouerane lordis lettres dewlie execute and indorſat, &c. to tak ſouirtie of Sir James Hammiltoun and Marioun Hammiltoun, that thay ſould haif comperit befoir the Juſtice or his deputes the ſaidis day and place, in the houre of cauſe, and vnderly the Law for the ffilthie cryme of Inceſt, committit be athir of thame with vther thir ſax ȝeiris bypaſt; lauchfull tyme of day biddin and nocht produceand, the ſamin wes thairfore amerciat in the panis contenit in the Actis of Parliament.

Slaughter.

Sep. 3.—Mr Robert Dowglas, provoſt of Lynclowdene.

Robert Lord Sanquhar become pledge and ſouertie, that the ſaid Mr Robert Dowglas ſall compeir before the Juſtice or his deputes, the thryd day of the nixt Juſtice-air of the ſherefdome of Drumfries, or ſoner, quhene or quhair it ſall pleis our ſouerane lord, vpoun xv dayes wairning; and vnderly the law, for airt and pairt of the ſlauchter of vmq^le^ Sir Robert Maxwell of Dinwiddie, knycht, committit in October laſtbypaſt; and vther crymes contenit in the lettres direct thairvpoun, vnder the panis contenit in the Actis of Parliament.

[*Mr James Wardlaw, Justice-Depute.*]

Reset of a Papist and Seminary Priest.

May 7, 1589.—Johnne Lowrie, duelland at the Waſt-port of Edinburghe.

Dilatit of the treſſonabill Reſſett, ſupplement, mantening, intercomoning and furneſing of meitt, drink and herberie to Mr Robert Bruce, confeſſit and avowed Papiſt and ſeminarie Prieſt, commoun enemie to Goddis truth and Criſtiane go-

vernment; committit in July, Januar, Februar and March, 1588 and 1589. ITEM, for doing of fauour, reffetting, fuppleing, mantening and defending of Mr Robert Bruce, feminarie Preift foirfaid, within his hous at the Waft-port, in the monethis foirfadis, he being oure fouerane lordis rebell.

PERSEWARIS, Maifter Dauid McGill. PRELOQUITOURIS, Mr Johnne Ruffell, Alexander King.

It is allegit for the pannell, that in this judgment na perfoun can be put to the knaulege of ane Affyis, without thay wer fummond vpoun xv dayis warning, except perfonis dilatit of Treffoun and tane *in flagranti crimine*. The Aduocat allegis that the famyn fuld be repellit, in refpect that the faid Johnne Lowrie wes conftitut prifoner; and the King may tak him furth of prifoun, and put him to ane Affyfe.

May 8.—Johnne Lowrie, vpoun pannell, cummis in his Maiefteis will, for geving of meit and drink, as ane commoun tawerner, to Mr Robert Bruce, ane ȝeir fyne or thairby in Januar laftbypaft, a denner at athir tyme allanerlie,[1] without ony nichtis ludgeing; and that vpoun the faid Mr Robertis expenffis, nocht knawin him to be ane Preift: And denyis expreflie the haill remanent pointis of Dittay, fen ony deid done be him to the faid Mr Robert fen the executioun of the laft Proclamatioun, quhilk was vpoun the xxvj day of Februar laftwes. And vpoun the faid Declaratioun and offer, takis inftrumentis that he is ready to abyd ane Affyis for the reft of the Dittay.

Mr Dauid McGill younger aduocat, produceit the Dittay and defyrit proces.

May 9.—The Juftice accepts the offer of coming in the Kingis will, 'according to his hienes Warrand and Precept prefentit in Jugement; and ordanit cautioun to be reffauit of the faid Johnne.' His cautioners were, 'James Couper merchand, burges of Edinburghe, and Martine Lowrie, burges thair.'

[*Mr James Wardlaw and Mr Edward Bruce, Justices-Deputes.*]

Slaughter.

May 13.—ARCHEBALD WAUCHOP of Nudrie, ȝounger, George Boig ferwand to the Lard of Cragmiller, Williame Lauder brother to the Laird of Bannochie, Williame Craig ferwand to Craigmiller, Richard Bigum (Bigholme?) alfo his ferwand and Thomas Kame, fmythe in Nudrie.

Dilatit of the flauchteris of vmq^le^ James Giffert of Sherefhall, vmq^le^ Johnne Giffert his brother, and vmq^le^ Robert Caife in Dalkeith, committit in July laftbypaft; and als of the flauchter of vmq^le^ Johnne Edmeiftoun, brother of Dauid Edmeiftoun of Wowmett; committit in March laftwes.

[1] Only.

Persewaris for Shereffhall.	Persewaris for Johnne Edmeiſtoun.	Preloquitouris for the pannell.
Johnne Giffert, father-brother to vmq^le James Giffert of Shereffhall,	Sir Johnne Edmeiſtoun of that Ilk,	Maiſter Thomas Craig, Mr Johnne Preſtoun,
James Hammiltoune,	The Lord Hwme,	The Laird of Brunſtoun,
Mr Dauid McGill, Aduocat.	The Laird of Seſkfurd.	The Laird of Ormeiſtoun.

The Juſtice, eftir dyuerſe and ſindre allegeances and anſueris proponit and maid be ather of the parties, continewit the mater to the morne at ten houris.

[*Mr Johnne Russell, Justice-Depute.*]

May 14.—The quhilk day comperit Mr Johnne Ruſſell, Aduocat, and preſentit ane Commiſſioun vnder the Signet, of the deit the ſaid xiiij day of May, ſubſcryuit be the King and Chancelair, ordinand him to be Juſtice in the mater abouewrittin to Mr Edward Bruce and James Wardlaw: And according thairto, wes ſuorne for adminiſtratioun of Juſtice.

Comperit Mr Dauid Makgill of Neiſbet, Aduocat, and produceit the roll of Aſſyiſe, ſubſcryuit with his hand.

Persewar, Maiſter Dauid Makgill. Preloquitouris, Mr Johnne Preſtoune, Mr Thomas Craig.

Allegis, that the Juſtice can nocht proceid aganis the Laird of Nudrie and his complices, for the ſlauchter of vmq^le James Giffert, Johne Giffert his brother, and Richart Caiſe, in reſpect, thay haif fund cautioun, vpoun xv dayes warning, actit in the buikis of Adiornall; and in reſpect, thay are nocht tane *in flagrante crimine*, nor ȝit is that ane cryme of Leiſe-majeſtie; and thay being vnder cautioun, mvn[1] be warnit on fyftene dayis: And producit ane Act of Adjornall, ſubſcryuit be the Juſtice-Clerk. The Aduocat acceptis the Act, and thinkis the alleagence to be reſſonabill.

The Juſtice findis the allegeance maid yeſterday anent the cautioun vpoun fyftene dayis warning, nocht to be relevant in reſpect of the Kingis Warrand: And ordanis the ſaidis perſounes to be put to ane Aſſyſe for all the crymes foirſaidis; bot continewis the Laird of Nudrie and remanent perſounes foirſaidis, and putting of thame to ane Aſſyiſe for ſlauchteris of the ſaidis James Giffert, Johnne Giffert his brother and Richard Caiſe, in reſpect of the act of Cautioun producit.

Assisa.

(1.) Maiſter Patrik Hepburne of Gilmertoun,
(2.) Williame Lauder of (in) Dunbar,
(3.) Williame Wallace, ȝounger of Johnſtoun,
(4.) Neill Montgumrie of Langſchaw,
(5.) Aula McCawla of Arncapill,
(6.) James Dunlop of that Ilk,
(7.) Mr Patrik Hepburne of Smetoun,
(8.) Johne Spreull of Cowdene,
(9.) James Creychtoun, ȝounger of Brunſtoun,
(10.) James Henderſoun, ȝounger of Dryden,
(11.) James Cochrane of Barbachla,
(12.) James Hwme in Dunbar,
(13.) Williame Wallace, miniſter of Faill,
(14.) Thomas Seytoun of Northrig,
(15.) Sir Williame Lauder of Haltoun.

[1] *Man*, must.

The Affyis defyrit the Dittay to be fworne, according to the ordour. The Aduocat allegis that the Kingis Dittay aucht nocht to be fworne be him. The perfonis of Affyife afkit inftrumentis that na man wauld fueir the Dittay.

VERDICT. Quhilkis perfonis of the Affyis abouewritten, being chofin, fuorne and admittit, paft furth altogidder out of Court to the Counfaill-hous of Edinburghe, quhair thai efter the chefing of Neill Montgumrie of Langfchaw, Chancellair, thay reffonit vpoun the haill poyntis of Dittay, and thairwith being ryply aduyfit, re-enterit agane within the faid Court, and be the mouth of the faid Chancellair, ffand, pronuncit and declarit the faidis *Williame Lauder*, *Williame Craig* and *Thomas Kame*, to be acquit and clengit of the flauchteris of vmq^le James Giffert of Sherefhall, Johnne Giffert his brother and Richerd Caife; committit in July laftbypaft. As lykwayis, be thair delyuerance in prefence of the faid Juftice-deput, ffand, pronunceit and delyuerit, in ane voce, the faidis *Archebald Wauchope* of *Nudrie*, *George Boig*, *Williame Craig* and *Thomas Kame*, to be acquit, clengit and innocent of the flauchter of vmq^le Johnne Edmeftoun, brothir to Dauid Edmeiftoun of Wowmett, and of the hurting and wounding of George Dauidfoun in his . . . . kne, be the fchoit of ane piftolett; and of the hurting and wounding of George Hwid, ferwand to the Lard of Edmeftoun, in his leg; committit the moneth of Merch laftbypaft.

APUD EDINBURGHE, xiiij Maij, anno 1589.—The quhilk day, at xij houris efter midnicht or thairby, caution wes found for the perfonis of Affife as follows.[1]

(1.) James Adamefoun, burges of Ed^r, and Mr Thomas Fifcher, burges thair, Ten thowfand markis.
(2.) James Adamefoun, burges of Ed^r, and Geo. Douglais, fear of Langnudrie, Three thowfand markis.
(3.) Johnne Arnot, proveft of Edinburghe, Fyve thowfand markis.
(5.) Thomas Fifcher, burges of Ed^r, Sir Williame Lauder of Haltoun, knycht, Fyve thowfand markis.
(6.) Johnne Watt, fmyth, burges of Ed^r, and . . . . Cant, burges thair, callit *Lard Cant*, Fyve thowfand markis.
(7.) James Adamefoun, burges of Ed^r, Ten thowfand markis.
(8.) Johnne Arnot, proveft of Ed^r, and Johnne Watt, burges thair, Fyve thowfand markis.
(9.) George Douglais, younger of Langnudrie, and James Adamefoun, burges of Ed^r, Three thowfand markis.
(11.) Johnne Arnot, proveft of Ed^r, Three thowfand markis.
(12.) James Adamefoun, burges of Ed^r, and Mr Patrik Hepburne of Smetoun, Tua thowfand markis.
(14.) George Douglas, younger of Langnudrie, and James Adamefoun, burges of Ed^r, Fyve thowfand markis.
(15.) George Douglas, younger of Langnudrie, and James Adamefoun, burges of Ed^r, Fyve thowfand markis.

[1] Instead of again enumerating the whole of the Assise, reference is made to the number prefixed to each Assisor's name, in the foregoing list. Montgomerie of Langfchaw, Henderfoun younger of Dryden and Williame Wallace, did not find security.

The ſamyn day, ilk ane of the Aſſyſouris foirſaidis quha hes fund the ſaid ſouirtie, obleiſt thame, thair aris, executouris and aſſignais, to freith, releif and keip ſkaithles thair cautionaris *reſpective* foirſaidis, of the ſouirtie abouewrittin, ilk ane of thame for thair awin partis as is aboue ſpecifiet, and of all panis contenit thairin, at the handis of oure ſouerane lord and his hienes theſaurair, and all vtheris quhome it effeiris.

[*Mr Williame Oliphant, Justice-Depute.*]

Slaughter.

May 20.—Thomas Maister of Boyid, James Boid of the Kippis, Alexander Boyd, bailzie of Kilmernok, James Sloſe of that Ilk, Thomas Roiſe in Bondland, and Johnne Craufurd in Welſtoun.

Dilatit of the ſlauchter of vmq[le] Johnne Mure in the Wall; committit in the moneth of Auguſt, 1571.

Persewaris.

Johnne Mure, eldeſt ſone, Robert Stewart and Michael Stewart, kiniſmen of the motheris ſyde.

Preloquitour for the pannell, Mr Johnne Skene.

The partie paſt fra the perſute of Johnne Craufurd; quhairvpoun he aſkit inſtrumentis.

Letters of Remiſſioun, granted by the King in favor of the parties, and Caution found for ſatiſfying the parties. Cautioners, Captain Thomas Crawfurd of Jurdanehill, Johnne Schaw of Grenok, Williame Mure apperand of Rowallane and Thomas Maſter of Boyd, bind themſelves to relieve the above ſureties.

Slaughter.

May 20.—Robert Lord Boyd.

Robert Boyd of Banhaith, cautioner for the entry of Lord Boyd at the Juſtice-air of Ayr, or on warning of xv days, for the ſame ſlauchter.

[Curia Justiciarie *s. d. n. Regis tenta in pretorio de Edinburgh superiore, xxiij die mensis Maij anno* 1589, *per discretos viros Magistros Eduardum Bruce, Willielmum Oliphant et Jacobum Wardlaw, Justiciarios Deputatos.*]

May 24.—The quhilk day the Juſtices abouewritten producit our ſouerane lordis Commiſſioun efter ſpecifeit; quhilk thay deſyrit to be inſert in the proceſs for thair Warrand; quhairof the tennour followis.

Commission *for the Trial of* George Erle of Huntlie, Dauid Erle of Crawfurd *and* Francis Erle Bothuell.

'James, be the Grace of God, King of Scottis. To all and findrie oure leigis and ſubdittis, quhome it efferis, to quhais knaulege thir oure lettres ſall cum; Greting. Witt ȝe Ws, to haif maid and conſtitut, and be thir oure Lettres, with the awyiſe of the Lordis of our Secreit Counſaill, makis and con-

ſtitutis Mr Eduard Bruce, Johnne Coluile, Williame Oliphant and James Wardlaw, oure Juſtices in that pairt, conjunctlie and ſeueralie, to þe effect vnderwrittin; Gewand, grantand and committand to thame, oure full frie, and plane power, generall and ſpeciall command, expres bidding and charge, Court or Courtis of Juſticiarie, within our tolbuithe of Edinburghe, to ſett, begin, affix, hald and continew, as oft as neid beis; and thairin George Erle of Huntlie, Dauid Erle of Crawfurde, Frances Erle Bothueil, to call, and be Dittay to accuſe, and to the knaulege of Affyis to put, for certane treſſonabill crymes and offencis committit be thame, tending to the ſubuerſion of the trew Religioun, and perrelling of oure perſoun and eſtait; and as thay ſal happin to be fund culpabill or innocent, to miniſter and caus juſtice be miniſtrat vpoun thame, conforme to the lawis of oure realme; ſettis[1] to mak be callit, abſentis to amerciat, treſpaſſouris to puneis, vnlawis, amerciamentis and eſcheatis of the faidis Courtis to aſk, lift and crave, and the ſamyn to our theſaurair and his deputtis, in oure name, to inbring and delyuer; aſſyſis ane or ma to ſummond, cheis and caus to be ſuorne, ilk perſoun nocht comperand, vnder the pane of twa hundreth pundis; clerkis, ſerjandis, dempſtaris or vtheris officiaris of Court neidfull to mak, creat, ſubſtitut and ordane: ffor the quhilk oure ſaidis Commiſſionaris ſalbe haldin to anſuer to ws þairvpoun. The quhilk to do we committ to ȝow, conjunctlie and ſeueralie, oure full power be þir oure lettres, delyuering þame be ȝow dewlie execute and indorſat agane to þe berar. Gewin vnder oure Signet, and ſubſcryuit with oure hand, att Edinburghe, the xxiiij day of Maij, and of our regnne the xxij ȝeir, 1589.

'JAMES R. CANCELLARIUS.'[2]

High Treason, &c.

GEORGE ERLL OF HUNTLIE, Lord Gordoun and Badȝenocht, &c., Frances Erll of Bothwell, Lord Creychtoune and Haillis, &c., and Dauid Erll of Craufurd, Lord Lyndeſay, &c.

Dilatit of certane treſſonabill crymes, contenit in Dittay to be gewin in be our ſouerane lordis Aduocatt, following.

PRELOQUITOUR for the ſaid Erll Crawfurd, Mr Johnne Scharp.
PRELOQUITOURIS for Frances Erll Bothwell, Mr Thomas Craig, Mr Johnne Preſtoune.
PERSEWAR, Mr Dauid McGill of Niſbet, Aduocat to our ſouerane lord.

Comperit the ſaid Mr Dauid McGill, and produceit the Dittay vnderwrittin; quhairof the tennour followis.

DITTAY or INDICTMENT againſt the Pannell.

GEORGE ERLL OF HUNTLIE, FRANCES ERLL OF BOTHWELL, DAUID ERLL OF CRAWFURD; ȝe and ilk ane of ȝow, ar indyted, for þe treſſonabill traffiking with ſtrangearis and miniſteris of ſtr(angearis), ſic as Jeſuites and ſeminarie preiſtis, and ſum excommunicate perſounes, for alteratioun of þe religioune preſentlie profeſſit within þis realme, according to þe ſinceritie of þe Ewangell, the quyet of þe ſame ſtableiſcht be commoun conſent of oure ſ(ouerane) lord and thre Eſtaitis, in þe Parliament haldin att Lynlythqw, the t(enth) day of December 1585 ȝeiris; and to þe owerthrow of his hienes perſoune. And this ȝe and ewery ane of ȝow, with Coronall S(empill), Johnne Cowper,

[1] *Secta*, suits of Court. [2] Sir John Maitland, Lord Thirleſtane.

Robert Bruce, Mr Edmond Hay, Mr William Creychtoune, Thomas Niſbet, Johnne Chiſholme ſone to vmq^le James Chiſholme of Cro . . . ., Dauid Grahame of Fintrie and diuers vtheris, albeit native Scottiſmen, (in þe haill monethis of 1588, att þe leiſt in ane or vther of þame,) ȝit in þis treſſonabill traffique, miniſteris (of) ſtrangeris: And ȝe and euery ane of ȝow, hes reſſauit m . . . (men ?) and Spaniſch gold fra þame; att þe leiſt, ane or vther of þame; to þe effect and for þe cauſſis foirſaidis; committing thairthrow, maiſt hie and manifeſt treſſoune; quhilk ȝe can nocht deny.—To þe taikin that this is trew, ȝe, *Frances Erll of Bothwell*, in ſomer laſtbypaſt, to þe effect foirſaid, reſſauit fra Cornall Sempill ane thowſand crownis; and laitlie fra France, (fra þe) Erll of Erroll, ane vther thowſand crownis; and diſtributit þe ſame be ȝoure ſelff and vtheris att ȝoure command, with vtheris ſounes of money, reſſauit be ȝow fra Mr Walter Lyndſay, to . . . . . .[1] waigeit ſouldiertis, horſmen and futemen, raſit be ȝow laitlie, in þe monethis of March and Apryle; expres aganis the Acte of Parliament, forbiddand raſing of ſouldartis, or waigeing of ony men of weir, except be ſpeciall commiſſioune of þe Kingis Maieſtie, quhilk ȝe had nocht. In reſpect quhairof ȝe haif incurrit þe pane of Treſſoun, as is abouewrittin.—And ȝe, *George Erll of Huntlie*, in lykewayis, hes reſſauit þe ſoune of three thowſand crownis or þairby, the laſt ȝeir, fra Dauid Grahame of Fyntrie, to þe effect foirſaid; quhairthrow ȝe haif incurrit the lyke cryme. And this is trew, and ȝe nor ather of ȝow can deny þe ſame.—Secundlie, ȝe and ather of ȝow ar indytit, for þe ſuffering of ȝoure ſelffis to be induceit be þe reſſauing of þis money aboue ſpecifeit, to þe effect foirſaid, for contentment of þe ſtrangearis, papiſtis miniſteris, quha traffikit with ȝow, to þe treſſonabill effectis aboue ſpecifeit, to haif maid and ſubſcryuit ane Band, aganis ȝoure dewtie, being ſubiectis, and ſubſcryuit þe ſame be ȝoure handis, and diuers vtheris ȝoure complicis, ſic as the Erlis of Montroiſe and Erroll att Stregmartene, Glentanner and Auld-Montroiſe reſpective, in þe moneth of March laſtbypaſt; Bandis being forbiddin be þe law of þe countrey; beſydis dyvers conventicle aithis, leagis and conſpyraceis, haif bene maid be ȝow, in þe monethis of Februar and March, to þe treſſonabill effect aboue ſpecifeit, reiterat and renewit be ȝow and diuerſe vtheris ȝoure complices and pairt-takaris in þe toune of Sanct Johnneſtoune, in þe moneth of Apryll laſtwas; att þe quhilk tyme, ȝe maiſt treſſonablie tuik þe ſaid toune, and maid ȝoure ſelffis maiſteris þairof, of playne intentioun to haif ſtuffit[2] þe ſamin, and kepit it aganis his Maieſtie and his authoritie. For executing of þe quhilk conſpyracie, ȝe and ather of ȝow, wer art, part, red and

[1] Part of a line cut by binder from the top of this and some of the following leaves. The edges of the leaves are also pared, so as to take away several words. [2] Victualled and furnished.

counſall, of þe convocatting of ȝoure ſelffis, ȝoure aſſiſtaris and pairt-takaris in armes, to haif takin the Kingis Maieſteis hous and palice of Halyruidhous and his hienes perſoune, ſupponit be ȝow to be thairin; and to haif ſlayne ſindrie his gracis faithfull counſalouris and ſeruandis, ſpeciallie Sir Johnne Maidland of Thirlſtane, knycht, his Maieſteis chancellar, with diuers vtheris: Quhairthrow, ȝe mycht haif vſit his Maieſteis perſoune, alterit and ſubuertit þe preſent eſtait, att ȝour awin will. For performing quhairof ȝe tryiſtit ȝoure meting att þe Quarrell-hoillis, betuix Leith and Halyruidhous, in March laſt; and ȝe, *Frances Erll of Bothwell*, wraitt to Dauid Erll of Crawfurd, to haif cumit in armes to Leith, and to haif kepit þe appointit place and tyme be ȝoure ſelf, as indeid ȝe the *Erll of Crawfurd* come . . . . . in armes, to þe effect þe . . . . . þe toun of Kingorne; the *Erll of Huntly*, frome þe n . . . . (north?) partis to þe toun of Dumfermling; the Erll of Montroiſe, to þe Halzairdis in Auld Liſtoun; and ȝe ȝoure ſelff, to þe ſaid place appointit. Quhilk ȝe nor ather of ȝow can deny.—ITEM, ȝe and ather of ȝow ar indytit, fforſamekle as his Maieſtie being aduerteiſt of ȝoure treſſonabill Conſpiraceis abouewrittin, for his awin bettir preſeruatioune in keping his realme and liegis in quyetnes, haifing ſend [Williame] Reidpeth, ane of his Maieſteis gaird, in Apryll laſtwes, with his Maieſteis letteris to his louitt counſaloure and officiar, Mr Thomas Lyoun of Baldu(kie) Maiſter of Glammis, his grace theſaurar to þe tounis of Dunde and Sanct Johneſtoune; quhairthrow his Maieſtie, be convocating of his liegis, mycht repres þe rebellioune aboue ſpecifeit; ȝe be your ſelff, ſeruandis and collegis, tuik the ſaid [Williame] Reidpeth, kepit and detenit him preſoner, impedit and ſtayit þe executioun of his grace's letteris for convocating of his trew liegis to þe mantenance of his eſtait and preſeruatioun of his Maieſteis perſoun: Quhairthrow ȝe declarit ȝoure ſelffis to haif rebellit aganis þe ſame, and thairthrow to haif incurrit þe cryme of Treſſoune.—ITEM, ȝe and ilk ane of ȝow ar indytit and accuſit, that in þe moneth of Apryll laſt, in hie contempt of his Maieſtie and his auctoritie, ȝe tuke vpoun ȝow to aſſage þe hous of Kirkhill, and war airt, pairt, red and counſall þairof, ffor exterminatioun quhairof ȝe raſit fyre; and in takin þairof, conſtrained the ſaid Mr Thomas Lyoune, being þairin for þe tyme, to rander him preſoner vnto ȝow, careit him with ȝow to þe hielandis and place of Auchindoune, kepit him captiue be a lang ſpace; incurrand þairby the cryme of Treſſoun. Quhilk is trew, and ȝe can nocht deny þe ſame.—ITEM, ȝe the *Erll of Bothwell* ar indytit, that fforſamekill as ȝe directit ane commiſſioune to þe Erll of Erroll to Sanct Johneſtoun, to move þe Erllis of Huntly and Crawfurd with all þair . . . . . to cum fordwart and joyne þame ſelffis with ȝow, on this ſyd of þe walter of Forth, before his grace forces wer aſſemblit; quhilk ȝe did, in þe moneth of Apryll laſt: Quhairvnto (thay) agreit;

and ȝit newertheles, for takin that this is trew, the Erll of Crawfurd for executioune heirof, enterit in contemptuous termes with the Erll of Erroll. In reſpect quhairof, ȝe and euery ane of ȝow hes incurrit þe cryme of Tr(eſſoune.)—Item, ȝe and ather of ȝow ar indytit, that fforſamekill as his Maieſtie and his counſalouris, vnderſtanding þir treſſonabill vproiris and conſpiraceis, aboue mentionat, directit his herauld, Williame Rankelure, to mak proclamatioune att þe mercat-croce of Abirdene, for delyuerance and putting to libertie of his gracis theſaurar, officiar of eſtait and his gracis counſaloure: The ſaid herald cumand to þe mercat-croce of þe ſaid toune in his coit of armour, the ſame wes reft fra him, his Maieſteis letteris directit lykwyis to be proclamit for convocatioun of his faythfull liegis, wes maiſt contempteouſlie and treſſonablie takin fra him, in þe moneth of Apryll foirſaid, be ȝow and athir of ȝow, ȝoure aſſeſtaris and pairt-takaris, ſic as Johnne Leſley of Boquhane, Johnne Gordoune of Bukie and ..... Murray of Cowbairdie; ȝe and euerie ane of ȝow, being art, pairt, red and counſall þairof, kepit and mantenit with ȝow, in ȝoure cumpany, the foirſaidis perſounes, actuall doaris þairof. Quhairthrow ȝe haif rebellit aganis his Maieſtie and his authoritie, and þairby incurrit þe cryme of Treſſoune: Quhilk ȝe can nocht deny.—Item, ȝe and ather of ȝow ar indytit for þe treſſonabil making of proclamatiounes in his Maieſteis name, for convocating of his liegis in armes againis his Maieſtie and his authoritie, makand ſklanderous and vntrew repoirtis in þe ſaidis proclamatiounis, that his hienes wes kepit captiue aganis his will; efter þe tyme that his Maieſtie maiſt wyiſlie and advyſitlie ratifeit the Act of Pacificatioune and maid þe Act of Reſtitutioune, for quyeting of þe haill eſtait of this countrey; and þis done with þe aduiſe of his Parliament, att Lynlythqw, the tent day of December 1585: Declaring alſwa, that it ſould be Treſſoune to ony man to oppone him ſelff aganis the ſaid Pacificatioun and Act of Reſtitutioun, and quyet eſtait of þe countrey than eſtableiſht; and that the opponeris ſould incur þe pane of lyffe, landis and guidis. In making of þe quhilkis Proclamatiounis, ȝe and ather of ȝow hes vſurpit his Maieſteis authoritie; and in contrawening of þe ſaid Act and contentis þairof, hes incurrit þe pane of Treſſoune.—Item, ȝe and ilk ane of ȝow ar indytit, for airt, pairt, red and counſall, of convocating and bringing togidder of ane oiſt and armie, on horſe and fute, aganis his Maieſtie; he with his faithfull and trew ſubiectis being vpoun þe ffeildis, for repreſſing of thir ȝour treſſonabill actis, conſpiraceis and deuyſes befoir reherſit; his Maieſtie ſelf, in propir perſoun, with his oiſt and armie, haiſing paſt fordwart fra his Palace of Halyruidhous, to the toun of Cowie, within the Sherefdome of Kincarne, quhair his Maieſtie being in propir perſoun, ȝe haid convocat ane hoſt of thre thowſand perſounes inarmit, maid oreſſounes and gaif perſuaſiounis to thame, that ȝe haid his Maieſteis guid-will

and conſent thairto; animating thame to cum fordwart ganis his Maieſtie, promeſing to .....[1] and is of weritie; and ſa ȝe come .....[2] of Abirdene with diſpleyit banneris to þe Brig of Die, of mynd to haif aſſalȝiet his hienes oiſt and armie, his grace maiſt royall perſoun being thairin; gif that a part of ȝour ſaid armie, (being) his Maieſteis guid and faithfull ſubiectis, induceit and perſuadit be errour to accumpany ȝow, vnderſtanding þair awin errour, haid nocht (knawing his Maieſteis awin perſoun to be in the ffeildis) alluterlie refuſit ȝou, in ȝour ſaid treſſonabill procedingis. And this is trew, and ȝe can nocht deny the ſame.—ATTOUR, ȝe *Frances Erle of Bothuell* ar indytit and accuſit, that ȝe in the monethis of Januar, Februar, Merche and Aprile laſtbypaſt, at leiſt in ane or vther of thame, hes reſſauit fra miniſteris and ſerwitouris of ſtrangeris, Papiſtis, quhome ȝe in dyueris tymes haid in cumpanie with ȝow, dyuerſe ſowmes of monie to the raſing of men of (weir) and wagit men, or horſe and fute, expres aganis the dewtie of ane faythfull ſubiect, and come fordwart with thame to Dal(keith), his hienes being in Edinburghe for þe tyme: Of þe quhilk wageit men .... (ȝe) raſit ane number of Inglifmen, Grahmis and vtheris, inhabitantis of Levin and Newcaſtle; the reſt of ȝour wagit nowmer, being ..... outlawis, theiffis and rebellis, Scottifmen, ſic as Robert Maxwell ....., brother and ſonnes of þe lard of Greneheid; ſtrak drummis and ..... (raiſed) vp men of weir on fut and hors, maid reſidence with th(ame) at Dalkeith, come with thame to Leith and dyueris vtheris pairtis of the cuntrey, boſtit[3] and manaſſit the trew ſubiectis þairof with þair wtter wraik. And this treſſonabill deid ȝe reiterat ..... (his Maieſtie) being in the north in proper perſoun, for repreſſing the vproris ..... (aboue) writtin, in þe moneth of Aprill foirſaid; and campit ȝour ſelff . . . (at) Dalkeith aganis his Maieſtie, as gif ȝe haid bene ſubiectis in tyme of ware, denuncit to ane forrane prince and ene(my.) Quhairthrow, ȝe haif committit maiſt hie and manifeſt Treſſoun ..... (aganis) his Maieſteis perſoun, Actis of Parliament and lawis of this realme. ..... (And) this is trew, and ȝe can nocht deny the ſame. —ITEM, ȝe and ilkane of ȝow ar indytit for the treſſonabill ..... and ſpeking aganis the peax and quietnes of the cuntrey ..... (and his) Maieſteis libertie concludit in Parliament be the Eſtatis thairof, quhilk (ȝe and) euery ane of ȝow did at dyuers tymes, and ſpecialie in the ..... (moneth) of Merche laſtbypaſt, his Maieſtie being vpoun the feildis and at his ..... willing to perſuad his hienes, that he was ſen the making of the ..... (foreſaid) Act at Lithqw, haldin and detenit captiue, and that he would lo ..... (loſe his?) lyf gif he returnit to his awin toun of Edinburghe at quhat tyme alſo ..... ettit vpoun the taking and apprehending of his gracis maiſt nobill ..... (perſoun?) oppoining

[1] A line cut off by the binder's unskilfulness. [2] Three words pared off here. [3] Threatened.

ȝour ſelff and euery ane of ȝow to his Maieſties Actis of ..... Parliament: It being provydit be the ſaidis Actis, that quhaſoeuir opponit .... conſpiring abrogatioun or derogatioun þairof, directlie nor indirectlie, thay ſould incur the pane of Treſſoun and Leiſe-maieſtie, to be execute with all rigour.[1] As the extract of the ſaid Act, heirwith producit to ſchaw, beris. And this ȝe haif done, incurrand þairthrow the panis of Treſſoun, as is abouewrittin.

The quhilk day, the ſaid Dittay and euerie point thairof being oppinlie red in judgement, and efter diuers anſueris maid thairto be the ſaidis Erllis of Huntlie, Bothwell and Crawfurd,

The ſaid Erll of Huntlie declarit, that nochtwithſtanding in his conſcience he is innocent of ſic odious crymes, as of before he denyit, ȝit haiſing cum in vpoune that reſolute purpois, to ſubmitt him ſelff in his Maieſteis will; and nocht willing ony wyiſe to be contradictour to his Maieſtie; hoping alwyis that his Maieſtie will wie[2] the circumſtances of his accuſatioun; he ſubmittit him ſelff maiſt huimblie in his Maieſteis will, following his intentioun that he had att the fyrſt incuming: And that, of the haill pointis of the Dittay.—The Aduocat aſkit inſtrumentis of the Erll of Huntleis cuming in the Kingis will.—The Erll of Huntlie proteſtit, that they mycht be hard heireftir, nochtwithſtanding his cuming in will, be all leſum meanis that he may, of law.

The ſamin day, the Erll Bothwell, eftir the reding of the haill pointis of Dittay, and eftir diueris anſueris gevin thairto, and ane playne denyall thairof as thay wer lybellit, become in our ſouerane lordis will, for raſing of men of weir, convocating of our ſouerane lordis liegis, brokin men, borderaris, and, as he alledgeit, pledgeis for ſtaying of the truble of the bordouris, att Dalkeyth: and bringing of thame to Leyth: And crawis his Maieſtie maiſt huimblie pardoun thairfore.—The ſamin day, the ſaid Erll of Bothwell become in our ſouerane lordis will, for ſubſcriptioun of ane Band, inſafar (as) it is contrar the law and Actis of Parliament, alwyis nocht importing Treſſoune: and offerit him reddy to abyde the tryall of ane Aſſyis for all the reſt of the crymes contenit in Dittay.

The ſamin day, the ſaid Dauid Erll of Crawfurd, eftir the reding of the ſaid Dittay vnto him, and that he had anſuerit thairto and euerie point of the ſamin, denyit the haill pointis thairof, as thay wer qualifeit: And become in the Kingis Maieſteis will for being vpoun the ground quhene my lord Theſaurer

[1] Mutilated by the binder. The words of the Act (19 Jac. VI. cap. 21) are, 'And that na maner of perſoun nor perſonis, of quhatſumevir qualitie or degree thay be, pretend to argun, impung, trauell, ſolift or lawbour, for þe infringeing, breking, wrafting, abrogatioun,' &c. [2] Weigh.

come furth of the hous of Kirkhill, or ony cryme his Maieſtie may imput to him thairanent.

. . . . . .[1] in his Maieſteis will for being with the Erll of Huntlie . . . . . Abirdene, but ony convocatioune vpoune his pairt, with . . . . . of all perſwading of his hienes liegis againis his Maieſtie, as is contenit in Dittay.

The Aduocat aſkit inſtrumentis of the becuming of the Erllis of Bothwell and Crawfurd in the Kingis will.—The ſaid Erll of Bothwell proteſted, that na mair be putt to ane Aſſyiſe, bot ſafar as releuant of the law.

ASSISA.

The Lord Hammiltoune,	The Lord of Cathcart,	The Erll of Marſchell,
The Erll of Angus,	The Laird of Pittarro,	The Lord Seytoune,
The Erll of Mortoune,	The Conſtable of Dunde,	The Lord Somerwell,
The Erll of Atholl,	The Laird of Cloiſburne,	The Lord of Altrie,
The Erll of Mar,	The Laird of Lag,	The Lord Dingwall.

The Aduocat, eftir accuſatioun of the ſaidis Erllis of Crawfurd and Bothwell be Dittay, in preſens of the ſaidis perſounes of Aſſyiſe, proteſtit, in cais the Aſſyſe clange thame, for Wilfull Erroure.

VERDICT. And immediatlie eftir cheſing, ſwering and admitting of the perſounes of Aſſyis aboue ſpecifeit, and accuſatioun of the ſaidis Erllis of Bothwell and Crawfurd be the Dittay above mentionat; the ſaidis perſounes of Aſſyis removit thaim ſelffis altogidder furth of Court to the Counſal-hous; quhair thay fyrſt, be voting, chuſe the ſaid Willeame Erll of Angus Chancillar of the ſaid Aſſyiſe, and thairefter reſſonit and votit vpoune the pointis of the ſaid Dittay, and gave thair determinatioun thairvpoun. With the quhilk determinatioun, being throuchlie auiſit, thay re-enterit agane in Court, in preſens of the ſaidis Juſtice-deputes, quhair thay, be the mouth of the ſaid Chancillar, ffand, pronunceit and declarit the ſaid *Dauid Erll of Crawfurd* to be fylit, culpable and convict of the treſſonabill taking of the toun of Sanct Johneſtoun, in the moneth of Apryll laſtwas, and maid him ſelff maiſter thairof, of playne intentioune to have kepit the ſamin aganis the Kingis Maieſtie and his (authoritie).—[AND ſiclyke, ffand, pronunceit and declarit the ſaid] *Frances Erll of Bothwell* convict of airt, pairt, red and counſall of convocatioun of the kingis liegis, his aſſiſtaris and pairt-takaris, and cuming to the Quarrell-hoillis, in Merch or Apryle laſtwas, for altering of the preſent eſtait.—AND ſiclyke, ffand, pronunceit and declarit the ſaid *Dauid Erll of Crawfurd* to be fylit, culpable and convict of airt and pairt, red and counſall of convocatting of the kingis lieges, att the tyme quhen the Erll of Bothwell come to the Quarrell-hoillis, ... for cuming to the toun of Kingorne a-gait-wart, for alteratioun of the preſent eſtait.—AND

[1] A line is pared away here.

ſiclyke, ffand, pronunceit and declarit the ſaid Dauid Erll of Crawfurd to be fylit and convict of airt, pairt, red and counſall of expugnatioun and aſſageing of the hous of Kirkhill, and raſing of fyre thairat, committit in Apryle laſtwas: Incurrand thairby the pane of Treſſoune.—And ſiclyke, ffand, pronunceit and declarit the ſaid Dauid Erll of Crawfurd to be fylit, culpabill and convict of art, pairt, red and counſall of convocatting and bringing togidder of ane oiſt and armie, on hors and fute, aganis his Maieſtie; he, with his faithfull ſubiects, being vpoun the feildis for repreſſing of thair treſſonabill conſpiraceis and dewyſis above reherſit, his Maieſties ſelff in proppir perſoune, with his oiſt and armie, haiſing paſt fordwart fra his Palice of Halyrudhous to the toun of Cowie, within the Sherefdome of Kincardin; quhair his Maieſtie being in proppir perſoune, he and the reſt of his collegis convocat ane oiſt of thre thowſand men, perſounes inarmit, maid oreſſounes and perſwaſiounes to thame, that thay had his Maieſteis guid will and conſent thairto, animating thame thairby to cum fordwart aganis his Maieſtie, promeſſing to warrand thame at his gracis handis; howbeit the contrar is and wes of veritie: And ſa thay come fordwart fra the toun of Abirdene with diſplayit baners to the Bryg of Die, off mynd to haif aſſailȝeit his hienes oiſt and armie, his gracis maiſt royall perſoune being thairin, gif that a pairt of thair ſaid armye, being his Maieſteis gude and faythfull ſubiectis, induceit and perſwadit be erroure to accumpanye thame, vnderſtanding thair awin errour, had nocht knawin his Maieſteis awin perſoune to be in the feildis, and alluterlie refuſit to aſſiſt thame in thair ſaid treſſonabill procedingis. —And ffand and pronunceit the ſaidis *Dauid Erll of Crawfurd* and *Frances Erll of Bothwell* to be Innocent and acquit of the remanent poyntis of the Dittay aboue writtin.

The King would not consent to the execution of these Peers, and the matter was allowed to hang up for above two years, when the following entries occur in the Books of Adjournal, which are inserted here, rather than under their respective dates, for the sake of connexion.

[Curia Justiciarie, *s. d. n. Regis tenta in Pretorio de Edinburghe, per Magistros Johannem Graham de Halzairdis, et Vmphridem Blynschelis, Justiciarios Deputatos.*]

The Kingis will towardis the Erll of Huntlie.

(July 16, 1591.)—The quhilk day, comperit ane nobill and mychtie lord, George Erll of Huntlie, Lord Gordoun and Badȝenoch, &c., being enterit on pannell; appoyntit be his Maieſtie to compeir this day and place, before the Juſtice

or his deputes, to heir and fee his hienes will declarit, anent the crymes quhairfore he become in will, in ane Court of Jufticiarie, haldin in the tolbuith of Edinburghe, the xxiiij day of Maij, the ȝeir of God I^m.V^c.lxxxix ȝeiris: Comperit lykewyis, Mr Dauid McGill of Cranftoun-Ryddell, Aduocatt to our fouerane lord, and producit ane Letter, fubfcryuit be his Maieftie and Chancillar, direct to the Juftice, Juftice-Clerk and thair deputes, for pronunceing of the will vnderwrittin; quhilk he defyrit to be infert and regiftrat in the buikis of Adiornall. Quhilk defyre the Juftice-deputes findand reffonabill, ordenit the famin to be infert and regiftrat in the faidis buikis, according to the Aduocattis defyre and confent; quhairof the tennour followis.

His Maiefteis Warrand.

JAMES, be þe grace of God, King of Scottis. To our Juftice, Juftice-Clark and þair deputes, greting. Forfamekill as, in ane Court of Jufticiarie, haldin in our tolbuith of Edinburghe, be our Juftices in þat pairt, conftitute be Commiffioun, vpoun þe xxiiij day of May, the ȝeir of God I^m.V^c. lxxxix ȝeiris; oure rycht traift coufing, George Erll of Huntlie Lord Gordoune and Badȝenoch, &c. being accufit vpoune þe Dittay gewin in againis him, be our Aduocate, contening in effect þe Proces following: ffor þe treffonabill traffiking with ftrangearis and minifteris of ftrangearis, fic as Jefuites, feminarie preiftis and excommunicat perfounes, for alteratioun of þe Religioun prefentlie profeffit within our realme, accoirding to þe finceritie of þe Evangell, to þe overthrow of our perfoun; and reffauing of money and Spainȝie gold, to þe effect and for þis caus foirfaid: And for fubfcryveing of ane Band to þe treffonabill effect above writtin, att Stregmartene, Glentanner and Auld Montroife, aganis þe lawis; befydes diuers vtheris articles: And treffonabill taking of þe toun of Sanct Johneftoune: And for airt, pairt, red and counfall of þe connocatioune maid in armes for taking of our hous and Palice of Halyrudhous, and our perfoune fupponit to haif bene þairin, and to haif flayne oure rycht traift coufing and counfalour, Johnne now Lord of Thirlftane, oure chancillar, and diuers vtheris; and for performing þairof tryifting to haif mett att þe Quarrell-hoillis, betuix Leith and Halyruidhous, and cuming agaitwart in armes to þat effect, to Dumfermling: ffor þe treffonabill taking of ..... Reidpeth, ane of our gaird, keping of him prifoner, and impeding of þe execution of oure lettres for þe mantenance of our eftait; ffor þe treffonabill affageing of þe hous of Kirkhill, raiffing of ffyre, and taking of Thomas Maifter of Glammis our thefaurar, and keping of him captiue in þe place of Auchindoune: ffor airt, pairt, red and counfall of þe treffonabill taking of oure coit of armour fra Williame Rankelour, herald, makand oure Proclamatioun at oure mercat-croce of Abirdene: ffor þe treffonabill making of Proclamatiounes in our name, for convocatting of our liegis, makand fclanderous reportis, as thouch we had bene kepit captiue: ffor þe treffonabill convocatting of ane oift and armie of our liegis aganis ws at þe brig of Die, of mynd to haif invadit our armie quhair we wer prefent in perfoune: ffor his treffonabill fpeiking aganis þe peax and quyetnes of þe countrey (and) our libertie concludit in Parliament; incurrand þe panes of our Act maid þairnaun beris: As the faid Dittay att mair lenth proportis. Quhairof, albeit the faid Erll in his confcience affermit him felff to be innocent, ȝit haifing cum in vpoun þat refolute purpois to fubmit him felff in our will, and nocht willing to be contradictor to ws, hoping that we wald wie the circumftances of his accufatioune, he fubmittit him felff maift huimblie in our will; as the Act of our Adiornall maid þairvpoun beris. AND now we haifing confidderit þe huimbill and voluntar fubmiffioun of oure faid coufing, and weit þe circumftances of his faid accufatioun, nawyis myndit to feik þe wrak and fubuerfioun of þe nobill bluid and ancient hous of our realme, bot to recover and retene thame in dew obedience; haif þairfore of our fpeciall grace reffauit and acceptit our faid coufing, George Erll of Huntlie, in our mercie and favoure; and declaris our de-

erminat will be þir prefentis, that he is and falbe frie, remittit and difchargeit of all þe crymes aboue writtin, contenit in þe faid Dittay, ffor þe quhilkis he come in oure will as faid is; and of all actioune criminall and ciuile that we haif, had, hes or may haif aganis him, his lyffe, landis and guides þairfore: As also reintegrattis and rehabilitatis him to his guid fame and warldlie honour, and to vfe all lauchfull deidis, in judgement and outwith, as gif he had newir cum in oure faid will, or that the faidis crymes nor nane of þame had newir been committit. Quhairfore it is oure will, and we command 3ow, that 3e pronunce þis our will in Jugment, and regiftrat þe famin in þe buikis of our Adiornall, quhilk we command our aduocatt to fee done and perfytit, and to confent to þe famin in our name. For þe quhilkis, thir prefentis falbe to 3ow and him fufficient warrand. Gewin vnder our signet and fubfcryuit with our hand, att Halyruidhous, the auchtene day of Junii, and of our regnne the tuentie foure 3eir, 1591.

JAMES R. Cancillarius.

(Jul. 16, 1591.)—And ficlyke, the faid Juftice-depute, for obedience of the faid charge and command, pronunceit and declarit oppinlie in Judgement his Maiefteis will above writtin, viz. that the faid George Erle of Huntlie Lord Gordoune and Badzenoch is and falbe frie, remittit and difchargit of all the crymes abouewrittin, contenit in the faid Dittay, for the quhilkis he become in his hienes will as faid is; and of all auctioune, criminall or ciuile, that his hienes had or may haif againis him, his lyffe, landis and guides thairfore: As alfs, that his hienes reintegrattis and rehabilitatis him to his guid fame and warldlie honoure, and to vfe all lauchfull deidis in judgement and outwith as gif he had newir cum in will, or that the faidis crymes nor nane of thame had newir been committit, in maner and forme as is aboue mentionat. Quhairvpoune the faid nobill and potent lord afkit Act of Court.

[*Curia Justiciarie, s. d. n. Regis, tenta in Pretorio de Edinburghe xxv Julij*, 1591, *per M. Joannem Grahame*, &c.]

Dome of Forfaltour pronunceit aganis Frances, sumtyme Erll Bothwell.

(Jul. 25, 1591.)—The quhilk day, comperit Mr Dauid McGill of Cranftoun-Ryddell, Aduocat to our fouerane lord, and produceit the Kingis Maiefteis Warrand, fubfcryuit be his hienes; and defyrit the famin to be infert and regiftrat in the buikes of Adiornull and Dome, to be pronunceit according to the ordinance thairof, vpoun Frances Erll Bothwell Lord Creychtoun and Haillis, &c. becum in will and convict of the crymes thairin contenit. Off the quhilk letter and Warrand the tennour followis.

The Kingis Maiefteis Warrand for pronunceing Dome.

At Edinburghe, the tuentie fyve day of Junij, 1591 3eiris. Forfamekill as our fouerane lord, calling to mynd and haifing confidderit how Frances Erll of Bothwell Lord Creychtoune and Haillis, and Grit Admerall of þis realme, in ane Court of Jufticiarie, haldin in þe Tolbuith of Edinburgh, the xxiiij day of May, the 3eir of God I^m.V^c.lxxxix 3eiris, being dilatit and accufit be dittay, and perfewit

judiciallie be Mr Dauid McGill of Cranftoun-Ryddell, his hienes Aduocat, in his Maiefteis name, for rafing of men of weir, convocatting of his hienes liegis, brokin men borderaris att Dalkeyth, bringing of pame to Leith; and ficlyke, for fubfcriptioune of ane Band contrar pe law and actis of parliament; become in his hienes will for pe famin: And ficlyke, being indytit and accufit be dittay for airt and pairt, red and counfall of convocatioun of his hienes liegis, his affiftaris and pairt-takaris, and cuming to pe Quarrell-hoillis in March or Apryle, in pe 3eir of God I^m.V^c.lxxxviij or lxxxix 3eiris, for altering of pe prefent eftait, and putt to pe knawledge of ane condigne Affyife pairfore, wes be pair delyuerance fund culpabill and convict of pe famin. Quhilk will and dome his Maieftie haifing differit to haif bene declarit or pronunceit aganis the faid Erll, vpoun hoip of his better behaviour and amendment, in tymes paireftir. NEUIRTHELES, the faid Frances Erll of Bothwell, forgetfull of his hienes clemencie, being dilatit of crymes of Treffoune and confpiraceis aganis his hienes awin perfoune, and diftructioune pairof be Nicromancie and Wicheraft,[1] wes pairfore committit to waird within pe Caftell of Edinburghe, thair to haif remanit quhill he had bene tryit of pe famin, be pe knawledge of ane condigne Affyife, or vtherwyis as accordis of pe law; fwa that he mycht haif bene declarit ather culpabill or innocent of pe famin: Nochtwithftanding, the faid Frances Erll Bothwell hes laitlie brokin pe faid waird (and) vpoun his perell efchewit furth pairof, takand pairby the crymes of Treffoun vpoun him, quhairof he wes dilatit, and for pe quhilkis he wes committit within pe faid waird. THAIRFORE, our fouerane lord Ordanis his will to be declarit, and Dome to be pronunceit aganis pe faid Frances Erll of Bothwell, in maner and forme as eftir followis. That is to fay, that he, be pe committing of pe crymes aboue writtin, quhairof he become in our fouerane lordis will, and wes convict be ane condigne Affyfe in maner aboue fpecifeit, hes committit Treffoun; and thairfore that the dome of Forfaltoure fall be pronunceit againis him, that he hes forfalt lyffe, landis and guides; to be applyit to his Maiefteis vfe, to be vfit and difponit as his hienes fall think expedient. Subfcryuit be our fouerane lord, day, 3eir and place foirfaidis; and ordanis the Juftice, Juftice-Clerk and pair deputes to pronunce pe dome aboue writtin, aganis pe faid Frances Erll Bothwell this day, but delay: As thay will anfuer to his hienes pairvpoune. JAMES R.

FOR obedience of the quhilk Warrand aboue written, the Juftice deput ordenit the faid Frances Erll Bothwell, be cuming in will and convictioune of the crymes foirfaidis, in the Juftice Court aboue writtin, to haif forfalt lyffe, landis and guides, and dome to be pronunceit thairvpoune: Quhilk wes pronunceit be the mouth of Williame Gray, Dempftar of the faid Court: And ordanit the faid Letter to be infert in the faid buikis of Adiournall.

[*Mr Edward Bruce, Justice-Depute.*]

Slaughter — Convocation of the Lieges.

Jun. 19, 1589.—SIR PATRIK HOUSTON OF THAT ILK, knycht, Robert Sherair, ferwand to the faid Sir Patrik, Johnne Dik, ferwand

[1] Birrel in his Diary remarks, 'The 22d day Junii, (1591,) the Earle of Bothwell brak ward out of the Caftell of Edinburghe, quha had beine ther in prifone fome 20 dayis befor, for allegit Vicheraft, and confulting with vitches, efpecially with ane Richard Grahame, to confpyre the Kingis death; and vpone the 25 of Junii, the faid Earl Bothuell wes forfaulted, and intimatioue made thairof by opin proclamatione at the Croffe of Edinburghe.'—*Dalyell's Fragments*, B. Dairy, p. 25.

to Patrik Houſtoun his ſonne, Patrik Widdome in Houſtoun, Alexander Howſtoun ſerwand to Mr William Houſtoun, Patrik Wancok, Robert Keſſane alias Hill ſerwand to the ȝoung Laird of Houſtoun.

Dilatit of airt and pairt of the ſlauchteris of vmq^le William Cwninghame, oy^1 of the auld Laird of Glengarnok, and vmq^le Johnne Cwningham his ſone naturall; committit with convocatioune, of the cauſſing of the ſaid Sir Patrik, the ferd day of Apryle laſtwes, vpoun ſett purpoiſe and proviſioune.

Continued to the Juſtice-air of 'Renfrew, tercio Itineris, vel xv dierum.'

Jun. 19.—Sir Patrik Houstoun of that Ilk, knycht.

Dilatit of airt and pairt of the crewell ſlauchter of vmq^le Robert Mvre, brother to vmq^le Johnne Mvre of Cauldwell, and vmq^le Andro Wilſoun in Wodſyde; committit in Aprile, lj (1551) ȝeiris.

Persewaris.

For the ſlauchteris of vmq^le W^m and Johnne Cwninghame, Johnne Cwninghame of Glengarnok, William Cuninghame ȝounger of G.

For the ſlauchter of vmq^le Andro Wilſoun, James Wilſoun.

Preloquitouris in perſute.

The Lord Fleming, The Lord Sempill, The M^r of Sincler, The Laird of Balverie, Capitane James Cwninghame, Mr Dauid McGill, aduocat.

Preloquitouris in defence.

Maiſter Johnne Schairp, Maiſter Johnne Preſtoun, The Laird of Foulwode, Wm Wallace ȝ^r of Johneſtoune, Wm Foulertoun of Dreghorne, Wm Wallace, ſerwand to Ardgovan.

Efter dyuerſe allegeancis and anſueris proponit be ather of the parties, the Juſtice ordanit the mater to pas to ane Aſſyiſe.

The proceedings are not inserted in the Record. There is, however, a marking on the margin, showing that, in reference to Sir Patrik, the first case was continued to the Juſtice-aire of 'Renfrew, tercio Itineris, vel xv dierum; Plegiis, Domino Keir et ipſe ad relevandum.' In the second case, 'Ad Remiſſionem pro interfectione Andree Wilſoun; Plegiis, Wilelmo Foulertoun de Dreghorne et ſeipſo, conjunctim et diviſim.' As to Robert Sherair and the next four, the diet was 'paſt fra;' 'Plegiis, Johanne Sempill ſeniore de Fulwod et Dom. Houſtoun ad relevand.' Robert Kessane continued to the Justice-aire of 'Renfrew, tercio Itineris, vel xv dierum; Plegio, Dom. Houſtoun.'

[*Mr William Oliphant, Justice-Depute.*]

Abiding from the Raid of Aberdeen.

Jun. 23.—George Craw in Peillwallis, and William Craw in Swinwode.

Dilatit for remaning fra the raid of Abirdene, ordanit to haif convenit at

Oe, grandson.

Edinburghe with all poſſibill diligence, in Aprile 1589 : And for the treſſonabill aſſiſting to Frances Erle Bothuell, and vther conſpiratouris aganis his Maieſtie.

PERSEWAR, Maiſter Dauid McGill ȝounger, aduocat.
PROLOQUITOURIS in defence, Mr Thomas Craig, Mr Edmond Hay.

Continued to the Aire of 'Forfar, tertio Itineris, vel xv dierum. Plegiis, Jacobo Sydſerf, burgen. de Edinburghe, et ad relevand. unuſquiſque pro ſua parte.'

This is the first of many similar trials for abiding from this raid. They all appear to have been settled by composition with the Treasurer.

[*Messrs Johune Grahame, Williame Oliphant et James Wardlaw, Justices-Deputes.*]

Slaughter.

Jul. 7.—JOHNNE WEIR, balȝie of Lanerk, Johnne Bannatyne callit *Katis Johune* and fifteen others.

Dilatit of the ſlauchter of vmq^le^ Robert Johnneſtoune, brother to James Johnneſtoune of Weſtraw.

PERSEWARIS, Florie Somerwell, mother. The Aduocat.

Continued to Aire of 'Lanerk, tertio Itineris, vel xv dierum.'

[*Mr James Wardlaw, Justice-Depute.*]

Fire-raising — Slaughter.

Oct. 14.—JAMES JOHNSTOUN of that Ilk and Alexander Jardene ȝounger of Apilgirth.

Dilatit of airt and pairt of the crewall ſlauchteris of vmq^le^ Alexander Bailȝie of Lytilgill, Rachell Bailȝie his dochter ; and for the treſſonabill burning of the Places of Moit and Dauidſchaw ; and for the ſlauchteris of vmq^le^ Andro Aicheſoune and Katherene Forreſt ; and for the burning of the place of Lytillgill ; committit in the monethis of Februar and July, *reſpective*, laſt.

PERSEWAR, Mr Dauid McGill of Cranſtoun-Ryddell, ȝounger.
PRELOQUITOURIS for the pannell.

The Erll Bothwell,	The Lord Newbottill,	Mr Thomas Craig,
The Lord Heres,	Lochinver,	Johnne Halyday.

Quha produceit our ſouerane lordis lettres, dewlie execute and indorſat, purcheſt be his hienes Aduocat againis the ſaidis perſones, for the crymes foirſaid ; and deſyrit proces. The perſounes on pannel aſkit inſtrumentis that thay offerit thame reddie to abyde the tryell of the law for the ſaidis crymes, diſaſſenting to all continewatioune and proteſting for relief of thair cautioneris.

The ſamin day, eftir diners allegeances proponit be the Aduocat aganis the pannell and productioune of Lettres of Hoirning aganis the ſaid Laird of John-

ſtoun, quhilkis wes produceit be Mathow Bailȝe, ſone to the ſaid vmq^le Alexander; and lykewyis the ſaid Mathow produceit ane vthir Warrand ſubſcryuit be the King, Ordaning this mater to be continewit quhill the morne.—'Plegio, ... Murray de Blakbarony, vnder the pane of ten thowſand merkis.'

Oct. 15.—The Pannell aſk inſtrumentis of thair entrie and proteſtis for relief of thair cautioune.—The ſamin day comperit Mathow Bailȝie, and produceit ane Warrand ſubſcryuit be the King for continewatioune of the mater to the tent day of Januar nixtocum: Quhilk wes obeyit.—The pannell aſkis Inſtrumentis of productioune of the Precept be Mathow Bailȝie; and that thay diſaſſentit to all continewatioun. 'Plegio, Domino de Blakbaronye, ſub penis content. in Actis Parliamenti.'

[*Messrs Williame Oliphant and James Wardlaw, Justices-Deputes.*]

Witchcraft, &c.

Oct. 28.—Katherene Roise Lady Fowlis.

Dilatit of certane crymes of Wichcraft.

Persewar, Mr Dauid McGill, Aduocat. Preloquitour, Mr Thomas Craig.

The quhilk day the ſaid Katherene aſkit inſtrumentis of hir comperance, and that ſche offerrit hir reddie to abyde the tryell of ane Aſſyſe, for all crymes that can be laid to hir charge; and in reſpect na perſoun comperit to inſiſt in hir perſuit, proteſtit that ſche ſould be fred of the waird quhairin ſche remanit this lang tyme, quhill tryell ſould haif bene of hir, be ane Aſſyſe of the ſaidis crymes. Quhilk tryell wes appointit this day.—'Desert.' (See Jul. 22. 1590.)

[*Mr Johnne Grahame, Justice-Depute.*]

Slaughter.

Jan. 14, 1589-90.—Robert Linkhop in Leith, Williame Downie thair. Johnne Watſoune thair.

Dilatit of the ſlauchteris of vmq^le Meſtres Jeane Kennedie, ſpous to Andro Meluile, Maiſter houſhald to our ſouerane lord, Suſanna Kirkcaldy hir ſeruitrice, Johnne Clapene burges of Bruntyland, and diuerſe vtheris perſounes, to the nowmer of thre ſcoir of perſounis, quhilkis wes in ane boit, be rinnand of the ſaid boit vnder ſei, &c.

Persewaris.

Andro Meluile, Maiſter houſhald, for his ſpous, Aleſoune Orrok for his ſpous, Johnne Clapene, Mr Dauid M Gill, Aduocat.

The Juſtice continewit the mater vpoune certane deſyres deſyrit be Johnne Bellendene baillie of the Regalitie of Brochtoune, to the thryd day of the nixt Juſtice-air of the ſherefdome of Edinburghe, or ſoner vpoune fyftene dayis warn-

ing; and ordenit the pannell to find cautioun for thair entrie.—'Plegio, Patricio Monypenny de Pilrig pro omnibus.'

PRELOQUITOURIS for the pannell, Mr Thomas Craig, Mr Johnne Skene.

Feb. 3.—The quhilk day, comperit Johnne Bellendene, bailzie of the Regalitie of Brochtoune, and desyrit, that the personnes aboue writtin, duelland within the boundis of the said regalitie, dilatit of the crymes aboue mentionat, mycht be replegeit furth of this Court, to the priviledge and libertie of the said Regalitie; and offerit to find cautioune of *Coloraith*, for administratioun of Justice: Quhilk desyre the Justice findand ressonabill, remittit the saidis personnes to the jurisdictioun of the said Regalitie and baillie thairof; quha fand James Bellendene of Pendreich cautioune and souirtie for the administratioune of Justice to the parties complenand, and vnder the pane of law: Lyke as Patrik Monypenny of Pilrig become souirtie for the said Robert Linkhop, William Downie callit *Laird Downie*, in Leyth, come souirtie for the said William Downie mariner in Leyth; and William Lytill burges of Edinburgh, become souirtie for the said Johnne Watsoun in Leyth, that thay sall compeir before the Baillie of the Regalitie of Brochtoune and his deputis, within the tolbuith of the Cannogait, the xxv day of Februar instant, in the hour of caus, to vnderly the law, for the crymes, *respective*, aboue writtin; vnder the panis contenit in the Actis of Parliament.

[*Mr James Wardlaw, Justice-Depute.*]

Sorcery — Witchcraft — Child-murder.

Apr. 28, 1590.—MEG DOW, now duelland in Gilmertoune.

Dilatit of Sorcerie and Wichcraft and for the crewell Murdreissing of twa zoung infant bairnis, the ane pertening to Bessie Rae in Gilmertoune.

JONET POLLOK.

Dilatit of the casting of Jonet Archibald, hir awin barne, in ane coilheuch, of purpoise to haif drownit hir.

VERDICT. Thomas Tulloch in Edinburghe, chancillar of the Assyis, deliuered their verdict, 'that the personnes aboue writtin was convict and fund culpable of the crymes, *respectiue*, aboue writtin.

SENTENCE. The Justice, be the mouthe of James Scheill, dempstar, pronunceit dome aganis the said *Meg Dow*; that is to say, to be tane to the Castelhill of Edinburghe, and thair wirreit at ane staik, and thairefter hir bodie brunt in asses; and all hir moveabill guides to be escheit, &c.

With regard to JONET POLLOK, there is merely marked on the margin of the Record, 'Wairdat. in Pretorio de Ed.'; but what was the result of her imprisonment, does not appear.

[*Mr Johnne Grahame, Justice-Depute.*]

Wearing and shooting of Pistolets within Palace of Holyroodhouse —Wounding, &c.

Jun. 4.—James Gyb, fone to vmq^le^ Dauid Gyb, in Barreftounes.

Dilatit of contrauening of the Actis of Parliament and Secreit Counfall *refpective*, in bering, wering and fchuiting of piftolettis, in the moneth of Maij laftwas; and Junij inftant, fetting vpoune James Boyd of the Kippis the penult day of Maij laftwas, with ane bendit piftolett, and fchuiting of him thairwith throw the rycht fute, and hurting and wounding of him with ane fword in the rycht hand; incontrair the tennour of the Actis of Parliament maid in the moneth of Maij laftwas, difchargeing all maner of perfounes to invade vtheris vnder the pane of deid.

Persewar, Mr Dauid M^c^Gill.

The faid James Gyb offerit him in the Kingis will for the cryme: Quhairvpoun the Aduocat afkit inftrumentis, proteftit for Wilfull Errour in cais the Affyis fall acquit, in refpect of the offer.

Verdict. The Affyis in ane voce, be thair delyuerance, ffyndis the faid James culpabill, fylit and convict of vmbefetting of the hie way and paffage, vpoune deidlie feid, rancour and malice to James Boyd of Kippis, burges of Edinburghe, the penult day of Maij laftbypaft, foirnent the mercat-croce of the faid burcht, the faid James being gangand fobirlie vpoune the hie ftreit thairof, as within our fouerane lordis chalmer of peax, dredand na evill, harme, iniurie or perfuit of ony perfounes, bot to haif levit vnder Godis peax and our fouerane lordis, and thair fetting vpoune him, and crewallie invading him with ane piftolet and drawin fwerd for his flauchter; fchuiting of him with the faid piftolet and thre bullettis in the rycht fute, and hurting and wounding of him with his fword in the rycht hand, to the effufioune of his blude in grit quantitie; vpoune fet purpois, provifioune, auld feid and foirthocht fellony; in contrar the tennour of the Actis of Parliament and Secreit Counfall *refpective* maid anent bering, wering and fchuting of piftolettis, and hurting and wounding thairwith aganis the tennour of the Proclamatioune, gif it may be extendit thairto; in refpect that the faid James Gib confeffit the invafioune, hurting and wounding of the faid James Boyid in their prefens, &c.

The famin day, comperit Mr James Carmichaell, Minifter, and producit the Kingis Maiefteis Warrand, off the quhilk the tennour followis.

'Rex.

'Justice, Juftice-Clark, our Conftabill, Conftabill depute, Maifter houfhald and vther Judgeis quhatfumeuir, appoyntit to fitt this fourt day of Junij inftant, in the caus perfewit be our Aduocat aganis James Gyb, fone to vmq^le^ Dauid Gyb, in Borrowftounis, We greit 3ow weill. For-

ſamekle as the ſaid James may ather offer himſelf at ony tyme in our will, or being convict be ane Aſſyis for the cryme underwrittin, may be remittit in our will: Leiſt throw miſknawlege or dowbting of our will, juſtice and executioune of our lawis be delayit or fruſtrat, We be thir preſentis declairis, that forſamekle as the ſaid James hes nocht ſpairit nor feirit, ſchamefullie and crewallie to ſchute and hurt our loving ſubiect James Boyid of Kippis behind his bak, to the grit effuſioune of his blude; and that within the boundis of our awin Palice and Chalmer, in proude contempte of Ws and mony of our Actis of Parliament, Secreit Counſall and Proclamatiounis paſt þairvpoune; and þairby hes offerit ane perellous preparatiue and example to the reſt of our ſubiectis; this being the firſt fact committit in that forme, ſen our returning to our realme or lang befoir; quhilk, gif it be nocht condignelie pwneiſt, to the example of vtheris that may promeis to þame ſelffis impwnitie, and incourageing to prakteis the lyk, nane of our beſt aſſured ſubiectis, of quhatſumeuir eſtait or conditioune, may thynk þame ſelffis ſure of þair lyves. THAIRFOIR, we declair that the ſaid James Gib ſall ſuffer the death, and be put þairto without ony delay, as he hes worthelie deſeruit;[1] and this for declaratioune of our will in the ſaid mater, quhilk ȝe, and ilk ane of ȝow, ſall nocht fail to do, and caus be done; as ȝe will anſuer to Ws vpoune ȝour dew obedience; kepand þir preſentis for ȝour Warrand. Subſcrynit with our hand, att Halirudhous, the fourt day of Junij, 1590.

'JAMES R. M. CANCELLARIUS.'

[*Mr James Wardlaw, Justice-Depute.*]

Jul. 11.—THE quhilk day, comperit Mr James Carmichell, brothir-in-law to James Boyd of the Kippis, and produceit ane Precept, direct be oure ſouerane lord to the Juſtice, and deſyrit the ſamin to be red; and conforme thairto that James Gyb, ſone to vmq^le^ Dauid Gyb, in Barreſtounes, ſould be preſentit in this Court; and that the ſamin ſould be obeyit, lyk as the Juſtice for obedience thairof, cauſit enter the ſaid James on pannell, and reid the ſamin oppinlie to him: Quhairof the tennour followis.

'REX.

'JUSTICE, Juſtice-Clark and ȝour deputes, We greit ȝow hairtlie weill. Forſamekill as James Gyb, ſone to vmq^le^ Dauid Gyb, in Barreſtounes, wes, be ane condigne Aſſyſe, laitlie convict and condamnit to deid[2] before ȝow, for þe hurting and wounding of James Boyd of Kippis behind his bak, and vn-a-warſe in his rycht ſute, with the ſchot of ane piſtolett, and with ane ſword in his rycht hand: Quhilk dome of deid wes þaireſtir, vpoune certane reſpectis, mitigat be ws; and the ſaid James decernit and condamnit to want his rycht hand, for þe cryme foirſaid: The executioun quhairof hes bene as ȝit delayit, att þe erniſt requeiſt and deſyre of the ſaid James Boyd of Kippis, to quhome the wrang and offence wes done; ane manne, mair willing apperandlie, vpoune repentance of his offendar, to petie, pardoun and forgif, nor to ſeik revange of his offence, be ſchedding of mair blude; quhais Criſtinne inclioatioune we can nocht bot allow. And now, being informit, that, in reſpect þairof, certane gentilmen ar takand þe burding vpoune þame for þe ſaid James Gyb, hes for the aſſythment of the ſaid James Boyd, maid certane offerris, and bundin and obleiſt þame, coniunctlie and ſeueralie, vnder certane pecuniall panis, that the ſaid James Gyb ſall do ſic homage to him, as he ſall pleis command; and als that the ſaid James Gyb ſall willinglie baneiſe him ſelff furth of our realme, and ſall

[1] On the margin of the Record there is written, 'Convict and baneiſt þis realme, with his awin conſent and partie.' [2] The former Verdict of the Assise and Sentence are not inserted in the Record. It would appear that Boyd of Kippis had successfully used every influence with the King to mitigate the sentence.

depart furth of þe ſame, how ſone he ſalbe relevit furth of þe Tolbuith of Edinburghe, quhairin he preſentlie remanis; and ſall newir returne agane within the ſame, nor ony pairt þairof, during all þe dayes of his lyftyme; and ſall do nor attempt na hurt nor ſkayth to þe ſaid James Boyd, or ony of his, in ony tyme cuming: As in þe Band and obligatioune maid þairvpoune, ordenit to be regiſtrat in þe buikis of Counſall, of þe dait, att Edinburghe and Sauchie, the twentie-ſewin and twentie-nyne of Junij laſtbypaſt *reſpective*, at mair lenth is contenit. Quhairvnto the ſaid James Boyd, as We ar crediblie informit, hes agreit; quhairby, ȝit agane, We being movit of our clemencie, to mollyfie and of our royall auctoritie to diſpens with the executioune of þe Domes pronunceit ofbefore, and to agrie to þe making of þe ſaid Band, and to condiſcend to þe baneiſment foirſaid. Oure Will is heirfore, and we charge ȝow, eftir þe ſycht heirof, ȝe call the ſaid James Gyb before ȝow, the xj day of Julij inſtant; and of new pronounce and gif Dome of perpetuall Baneiſment aganis the ſaid James Gyb; and that with his awin conſent; conforme to þe Band and obligatioune foirſaid, maid þairanent to þe ſaid James Boyd, in all poyntis: And to interpone ȝour auctoritie þairvnto; to haif þe ſtrent, force and effect of ane dome and ſentence criminall in all tymes cuming; lyke as we, be þe tennour of þir preſentis, willing to mitigat juſtice with clemencie, eſpeciallie quhair the offendit partie is ſutear þairof, ratefeis and apprewis the ſaid Band and obligatioun and baneiſment contenit þairin, and all and ſindrie vthir hedis, clauſſis, conditiounis, articles and circumſtances contenit in þe ſaid Band, alſweill vnnamit and nocht expreſt, as nameit and expreſt in þir preſentis, *promittend. in verbo Principis*, newir to do ony thing that may be preiudiciall or derogatiue þairto, in ony ſoirt, in ony tyme cuming; diſpenſand of our auctoritie royall, with the ſaid former dome or domes alreddie pronunceit, ſwa that the ſamin ſall newir haif effect in tyme cuming, except in cais of contraventioune, and according to þe tennour of þe ſaid Band. Lyke as, we alſo interpone oure auctoritie to þe ſaid Band, and everie heid, claus and article þairof; and for þis effect, we ordaine and commandis ȝow, to inſert þir preſentis in our buikis of Adiornall, and to interpone ȝoure decreit and auctoritie þairto; ſwa that, in cais of contraventioun of ony point of þe foirſaid Band, executoriallis and executioune may paſs þairvpoune, according to the lawis of þis realme: And þe ſaid Dome being pronunceit, that ȝe putt him to libertie, be þe cauſe of þe ſaid James Boyd; conforme to þe obligatioun foirſaid maid to him þairanent, that he may depart furth of our realme conforme þairto: Kepand þir preſentis for ȝour Warrand. Subſcryuit with our hand, at Halyruidhous, the nynt day of Julij, and of our regnne the twentie-thre ȝeir, 1590.

Sentence. According to the quhilk Precept, the ſaid James Gyb, being preſentit on pannell, as ſaid is, and being requyrit, Gif he wald conſent to the ſaid Dome of baneiſment? Anſuerit, that he wes content thairwith. Thairfore, the ſaid Juſtice-depute, be the mouth of the ſaid James Scheill, dempſtar, pronunceit and decernit, that the ſaid James Gyb ſall, with his awin conſent, conforme to the Band and obligatioune abouewrittin, ſalbe perpetuallie baneiſt this realme: and interponis his auctoritie to the ſaid Band, conforme to the ſaid Precept, ſwa that executoriallis may pas thairvpoune: And ordanit the ſaid James to be putt to libertie, furth of the ſaid Tolbuith of Edinburghe. Quhairvpoune, the ſaid Mr James Carmichell aſkit act and inſtrumentis.

Baptizing and Celebrating Marriages after Excommunication.

Jun. 18.—Sir Thomas Ker in Auld Roxburcht, James Scott att South Syntoun-mylne and Thomas Newbie in Haſſindane.

Dilatit for ſuſtening of the proces of Excommunicatioun and contravening of

the Actis of Parliament, in baptefing of bairnis and making of mariages, without ony functioune.

The famin day, comperit Mr Dauid McGill of Cranftoun Ryddell, Aduocatt to our fouerane lord, and produceit the Dittay aganis the faidis perfounes: quhairof the tennour followis.

DITTAY *againft the Pannells.*

SIR THOMAS KER, James Scott and Thomas Newbie, ȝe and everie ane of ȝow, ar indytit and accufit, for lying vnder þe horrible fentence of Excommunicatioune, feperat fra the fuffrage and prayer of þe Kirk, and merite of þe blude of Chryft, to þe damnatioun of ȝoure faules, continewallie, fra þe xxvj day of March, the ȝeir of God V^c. fourfcoir-aucht ȝeiris.—ITEM, ȝe and ewerie ane of ȝow, ar accufit, that fforfamekill as for ȝour mifbehaviour in ȝoure functioune of minifterie and rederfchip, ȝe being lauchfullie depryvit in þe moneth of March 1582 and in September 1583, *refpective*, ȝe haif continewit, nochtwithftanding, in abufing of þe facramentis in mareing of findrie perfounes and baptefing of bairnis.

Off the quhilkis crymes, thay com in our fouerane lordis will.

The King's Will and Sentence against the Pannels.

(Jun. 24.)—The quhilk day, comperit Mr Dauid McGill, Aduocat, and eftir the entering of the faidis Sir Thomas Ker, James Scott and Thomas Newbie, on pannell, as becum in will for the crymes of Excommunicatioune, and declarit owre fouerane lordis will; quhilk wes, that thay fould act thaim felffis vnder the pane of deid, newir to abufe the Sacramentis nor functioune in the Kirk; as alfo, that thay fould be tane to the mercat-croce of Edinburghe, and ftand twa houris, with paiparis on thair heidis, contening the cryme: Quhairvpoune Dome wes pronunceit.

The famin day, they 'actit þame felffis newir to abufe þe facramentis, vnder þe pane of deid.'

[*Mr Johnne Grahame, Justice-Depute.*]

Slaughter.

Jul. 16.—JAMES TWEDIE of Drummelzeare, Adam Twedie of Dravay, Williame Twedie of the Wrae, Johnne Creychtoun of Quarter, Andro Creychtoun in Cardoune and Thomas Porteous of Glenkirk.

Dilatit of airt and pairt of the flauchter of vmq^le Patrik Veitch, fone to Wm Veitch of Daik, (Dawick); committit in Junij laftwas.

PERSEWARIS.

Williame Veitch, Eldar of Daik, as fader, ... Veitch, ȝounger of Daik, as brothir.

PRELOQUTOURIS for thane.

Williame Cokburne of Skirling, ... Heriot of Trabroune,

Patrik Cokburne, Tutour of Langtoune, Johnne Cokburne of Newholme.

Preloquitouris for the pannell.

The Laird of Balfour,	Mr Dauid Bailzie,	Mr Johnne Scharp,
James Hammiltoun of Libbertoun,	The Laird of Brunftoune,	Mr Thomas Craig,
Robert Forrefter, brodir to the Laird of Carden,	James Creychtoune of Carco,	Mr Johnne Ruffell.

The Juftice, be reffoune that ane nowmer of Affyife could nocht be gottin to the faidis perfounes, continewit the mater; and ordanit the perfounes on pannell to continew in thair waird, as thay did ofbefore, quhill thay obtenit releif of his Maieftie.

The faid day, the perfewaris produceit ane Warrand and Precept direct to the Juftice, ordaning that the lyke cautioun, and vnder the lyke panis, be tane of the perfounes on pannell, as wes before; and that thay fould be retenit in waird.—The faid day, Johnne Betoune of Balfoure and James Hammiltoune of Libbertoune become pledgeis and fouerteis, coniunctlie and feuerallie, that the perfounes on pannell fall remaue in waird, within the toune of Edinburghe, vnder the pane of ten thowfand markis.

Jul. 20.—Continued to the Aire of 'Peblis, tertio Itineris, xv dierum.'

Witchcraft — Incantation — Sorcery — Poisoning.

The following extraordinary case is one of the leading trials for Witchcraft at this unhappy period; and contains many curious particulars relative to that strange infatuation. 'Katherene Roifs Lady Fowlis,' who was daughter to Alexander Ross of Balnagown, was the second wife of Robert More Munro, the fifteenth Baron of Foulis, a family of great antiquity, and possessed of considerable property in the counties of Ross, Sutherland and Inverness; having by that marriage, George Munro (of Obisdale), John and Andrew, and four daughters, Margaret, Janet, Marjory and Elizabeth. Robert More Munro had also, by his first marriage with Margaret Ogilvy, a daughter of the house of Findlater, Robert his heir, the intended victim of his stepmother and Mr Hector, who had succeeded his brother, (being served as heir to his father and brother, Oct. 7, 1589,) previous to the date of this trial. He had also by his first marriage three daughters, Florence, Christian and Catharine.—Robert Munro, 'apperand of Fowlis,' succeeded his father, and became sixteenth Baron of Fowlis, Nov. 4, 1588, and was four times married, viz. 1st, Marjory daughter of Kenneth MacKenzie Lord Kintail; 2d, Lady Eleanor Gordon daughter of the Earl of Sutherland; 3d, Janet Sinclair daughter of George Earl of Caithness; and 4th, Elizabeth daughter of Hugh Rose of Kilravock; by the last of these ladies he had one daughter, Margaret, who married Robert Munro of Assint.

It is necessary to have been thus minute in shewing the connexions of this family, to account satisfactorily for the Lady Foulis entering into compact with such a crew of miscreants, and attempting such horrible practices. The purpose of all this Poisoning and Witchcraft was, that by removing Marjory Campbell the young Lady Balnagown, her brother George Ross of Balnagown might marry the young Lady Foulis; and to do this effectually, it was necessary to destroy her stepson Robert. It may be remarked, that several of her familiars were led to the stake, and had died confessing the whole plot previous to Lady Foulis's own trial; her own 'nourrice' was destroyed through her foolish curiosity, in tasting of a 'pyg of poyfoun,' and 'immediatlie thaireftir departit be the faid poyfoun;' and it is apparent that these facts were notorious.

The escape of Lady Foulis and her stepson, Mr Hector, (see the following Trial,) can only be attributed to the very powerful influence of the parties. Besides other circumstances, which must oc-

cur on perusal of this remarkable case, the 'Inqueſt' bears all the appearance of a selected or packed jury, being in a very inferior rank and station of life to the pannel, contrary to the usual custom—and the private *prosecutor* is 'Mr Hector Monro of Fowles,' who was in a few hours to exchange places as pannel at the same bar for similar crimes! Hector Monro's Assise is also composed of burgesses and dependents on the families of Monro and Ross.

Jul. 22.—Katherene Roiss Lady Fowlis.

Dilatit of certane crymes of Witchcraft, following.

Persewaris, Mr Dauid M'Gill of Cranſtoun-Ryddell, aduocat, Mr Hector Monro of Fowlis.
Preloquitouris for the pannell, Mr Thomas Craig, Mr Johune Chene.

The Aduocat produceit the Dittay vnderwritten, defyring proces thairvpoune; quhairof the tennour followis.

Dittay *against the Pannell.*

Katherene Roiss Lady Fowlis, Thow art accuſit, ffor the vnnaturall abuſing of thy ſelff, contrar the lawis of God, and exerceing and vſing thy ſelff maiſt vngodlie and wickitlie, be the perverſt Inchantmentis, Wichcraft, Develrie, Incantatiounis and Sorcerie, with the craft of poyſoun in maner vnderwrittin and following, particulerlie practeſit, execute, devyſit and ſett fordwart be thee, of thy ſpeciall counſall, devyiſſis, furth-ſett and command, aganis Robert Monro thane apperand of Fowlis and Mariory Campbell, ſpous to George Rois apperand of Balnagowne, att the tymes and places particulerlie eftir ſpecifeit, in company with Criſtian Roiſs Malcome ſone, and vtheris eftir ſpecefeit. In the fyrſt, Thow art accuſit, for the making of twa pictouris of clay, in cumpany with the ſaid Criſtiane Roiſs and Mariorie Neyne M'Alleſter alias *Laskie Loncart*, in the ſaid Criſtian Roiſis weſtir chalmer in Canorth; the ane, maid for the diſtructioune and conſumptioune of the young Laird of Fowlis, and the vthir for the young Ladie Balnagoune; to the effect that the ane thairof ſould be putt att the Brig-end of Fowles, and the vther att Ardmoir, for diſtructioun of the ſaidis young Laird and Lady: And this ſould haif bene performit at Alhallowmes, in the year of God I^m.V^c.lxxvij ȝeiris: Quhilkis twa pictouris, being ſett on the north ſyd of the chalmer, the ſaid Loſkie Loncart tuik twa elf arrow heides and delyuerit ane to ye (you) Katherene, and the vther, the ſaid Criſtian Rois Malcumſone held in her awin hand; and thow ſchott twa ſchottis with the ſaid arrow heid, att the ſaid Lady Balnagowne, and Loſkie Loncart ſchott thrie ſchottis at the ſaid young Laird of Fowlis: In the meane tyme, baith the pictouris brak, and thow commandit Loſkie Loncart to mak of new vthir twa pictouris thaireftir, for the ſaidis perſounes; quhilk the ſaid Loſkie Loncart tuik vpoun hand to do: And thow wes preſent, and ſaw and hard this done, and nane preſent in the ſaid chalmer except thow, the ſaid Criſtiane Roiſe and Leſkie Loncart. And for the mair witneſſing heirof, the ſaid Criſtiane Roiſe confeſt the ſamin, being accuſit

thairvpoune, in prefens of Mr Martene Logie, notar publict, and Johnne Irrving of Kinnok, Johnne Wilfoun in the Chanonrie, Williame Robertfoune thair, Donald Vrquhart thair, Robert Irrving brothir to the faid Johnne Irrving, vpoune the xxiiij day of November, threfcoir fewintene yeires (1577). And for the mair verificatioun heirof, the faid Criftiane Roifs, being atteichit and accufit for the faidis crymes, before rycht honourabill men, Walter Vrquhart, fheref of Cromertie, and Robert Monro of Fowles, Juftices to our fouerane lord, be his hienes Commiffioune, in ane Juftice Court haldin within the Cathedrall Kirk of Roifs, the twentie aucht day of November I^m.V^c.lxxvij yeiris, confeffit the famin, and wes convict be ane Affyis, and wes brint for the famin. This is manifeft be the haill countrie of Roifs; quhilk thow can nocht deny.—(2.) Siclyke, thow art accufit, for the conventioune with the faid Criftian Roifs and Lorfkie Loncart, in the moneth of November, I^m.V^c lxxvij yeiris, of fett purpois for diftructioune of the faid young Laird of Fowles and the young Lady of Balnagowne, in thy barne in Drumnyne; and thair making ane ftoup-full of poyfonit new aill, quhilk wes devyfit to be for the young Laird of Fowles, Hector Monro, the Lairdis brother, his bairnis, the haill fonis of vmq^le Johnne Monro of Vrquhart, Hucheoune Monro of Affent, Andro Monro of Newmore, and the remanent of the fpeciall of thair kynne; fa mony of thame, as mycht be apprehendit: And becaus the faid ftoup ranne out and the liquour that wes in itt, except ane lytill quantitie thairof, the faid Katherene caufit Donald McKay your awin boy tak; and taifting it, incontinent thaireftir tuik feiknes, and lay continewallie thaireftir poyfonit with the liquour. And this was kepit in the kill of the faid toun of Drumnyn, for the fpace of thrie nychtis, and the faidis Criftiane Roifs, Lofkie Loncart and thow, convenet the thryd day agane thairefter, in the faid kill; quhair thow commandet Lofkie Loncart to mak ane pig-full of ranker poyfoune, that wald diftroy fchortlie the foirfaidis perfounes; at quhais command the faid Lofkie Loncart maid the faid poyfoun, and putt itt in ane pig, and fend itt to thee. This the faid Criftian Roifs confeffit in judgement, being accufit as faid is, and wes convict for the famin; as the Proces deduceit heiranent teftifeis, and as the countrey knawis; quhilk thow can nocht deny. And fwa, for vfing of the faid poyfoun, expres aganis the faidis Actis of Parliament maid thairanent; incurrand thairby, the panis contenit thairin.—(3.) Also, thow art accufit, for affifting and geving counfal, in cumpany with the faid Criftian Roifs and Lofkie Loncart, in fending of ane pyg of poyfoun with the nourrice to Angus Leithis hous, quhair the young Laird of Fowles wes for the tyme; of deliberat mynd to haif poyfonit him thairwith: Quhilkis thow had in keping, and thy faid nourrice bringand the faid pyg fra the, it fell the way, vnder fylence of nycht, and brak the pyg; and fche taiftand of the famin, immediatlie thaireftir departit, be

the ſaid poyſoun: And the ſamin wes devyſit for poyſoning of the young Laird of Fowles; quhilk the ſaid Criſtiane confeſt judiciallie, being accuſit as ſaid is, and wes convict of the ſamin: And for the mair witneſſing, the place quhair the ſaid pyg brak, the gers that grew vpoun the ſamin wes ſo heich by[1] the natour of vther gers, that nather cow, ox nor ſcheip ewir previt[2] thairof yit; quhilk is manifeſt and notorious to the haill countrey of Roiſs; quhilkis thow can nocht deny: And ſwa, for airt and pairt of the ſlauchter of your nourrice foirſaid, quha deit be the ſaid poyſoune, albeit it wes devyſit for the young Laird; as is notour.—(4.) MAIR,[3] thow art accuſit, for airt and pairt, devyiſe and counſall, of the diſtructioune and poyſoning of the ſaid young Laird of Fowles; In ſa far as the ſaid Criſtiane confeſt, that ſche ſaw Williame McGilliewareycht-dame, about Paſch,[4] in the ȝeir of God I^m.V^c.lxxvij yeiris, delyuer to the, in thy awin handis, ane buiſt[5] of Wicheraft, within the Stank of Fowles; quhilk thow reſſauit fra him, and putt itt in thy awin pouch incontinent; of ſett purpois to bewich the ſaid young Laird of Fowles thairwith; as is notoure.—(5.) FORDER, in ſigne and takin, that thow wes ane of the principall devyſaris of the young Lady Balnagownis poyſoning, Thomas McKain Moir McAllane McHenrik and vthir dewyſaris of the ſaid diſtructioune and poyſoune, wes be thy convoy and command, reſſauit and intertinneit, in the ſaid Criſtian Roiſſis hous, in the moneth of December 1577, be the ſpace of fourtene dayes; being accuſit as ſaid is, confeſt the ſamin; quhilk thow can nocht deny—(6.) THOW art alſo accuſit, for airt and pairt of the poyſonit drinkis maid be the, in cumpany with the ſaid Criſtiane Roiſſe and Loſkie Loncart, McGillieuorie-dame, Katherene Roiſs, Donald Roiſſis dochtir; quhilkis drinkis wes maid for the young Laird of Fowles and his bairnis, Hector Monro and his bairnis, and the reſt of thair kin; to that effect, that thy awin bairnis ſould ſucceid to the hous of Fowlis: And the drinkis alſo ſould haif bene gevin to the young Lady Balnagowne, ſwa that the ſaid young Laird of Balnagowne mycht marie the young Lady Fowles: And wes convict for the ſamin; as the Proces deduceit thairanent beris; quhilkis thow can nocht deny.—(7.) AND als, thow art accuſit, for gewing command to the ſaid Criſtian Rois Malcumſoune, to gif ludgeing, herbrie and intertinnement to Marioune Neyuane McAlleſter alias Loſkie Loncart, in ſomer 1577, of deliberat mynd, to conſult with yow, anent the vſing of the ſaid poyſoune; and be quhat way ye ſould get the ſamin gewin to the ſaid Laird; lyke as, ye ſpak with hir thairanent, in the ſaid hous; as is notour.—(8.) AND mair, Thow art accuſit, for ſending of the ſaid Criſtiane, thre or foure tymes, for Johnne McNilland in Dingwall, in the moneth of Junij, 1577 yeiris; and the ſaid Johnne cam to hir biging,[6] and

[1] Beyond. [2] *Preed*, or tasted of that grass. [3] Moreover, farther. [4] Easter, Paise. [5] Small box. [6] Building or house, cot-house.

remanit thair ane nycht; and vpoune the morne thaireftir, he cam to Fowles to the, and delyuerit to the ane elf arrow heid; for quhilk ye gaif him foure ſchillingis money; quhilk thow can nocht deny.—(9.) And forder, thow art accuſit, for the talking and commoning with Criſtiane Myller, dochter to Robert Myllar ſmyth in Aſſin, in the toun of Katwall, in the moneth of Junii lxxvij ȝeiris, ane lang ſpace, in cumpany with the ſaid Criſtian Roiſs; and in ſigne and takin, the ſaid Criſtian Myllar gatt ane half furlett of meill fra Johnne Keillis wyffe in Katuall; quhilk the ſaid Criſtian Roiſs confeſt, being accuſit, and wes convict thairfore; as the Proces thairof proportis.—(10.) And alſo, thow art accuſit, for ſaying to the ſaid Criſtian Roiſs, that thow ſould do, be all kyndis of meanis, quhair itt mycht be had, of God in heaven or of the Devill in hell, for the diſtructioune and doune-putting of Mariorie Campbell young Lady Balnagoune; and ſche wald nocht be the fyrſt reveillar and confeſſar of ony thing vpoune the, that wes hir lady and meſtres; quhilk ſche confeſt, being accuſit, and wes convict of the ſame.—(11.) Last of all, thow art accuſit, for being in cumpany with the ſaid Criſtiane Roiſs and Thomas Caſſindoniſch, in the place of Drummyne, att Lovatt comoning, the young Lady Balnagoun being thair, in the moneth of Auguſt, the yeir of God foirſaid; and being ſperit att be vtheris, quhat thow and Criſtian Roiſs and Thomas Caſſindoniſch wer doand thair, anſuerit, Gif thair wes ony devyiſe, thair it wes, for the young Lady Balnagoune wes in the kill with thame, and the ſamin wes confeſt be the ſaid Criſtian Roiſs, before Rorie M'Kenȝie of Arthirfailȝie, and Rorie M'Rorie Alanſoune.—(12.) Thow art accuſit, for the crewall ſlauchter, be thy craft of poyſoun foirſaid, of Marie Murdocht Moreis dochter, youre nourrice, quha deit eftir the taiſting of the pyg of poyſoun, quhilk wes ſend to the.—(13.) Thow art accuſit, for gewing of aucht ſchillingis money to the ſaid Williame M'Gillieuorie-dam to pas to Elgyne for bying rattoun[1] poyſoune; quha wairit thairof bot ſaxtene penneis; and brayit the ſame poyſoune, and putt itt in ane pece ledder and delyuerit itt to the, in Junii, lxxvij ȝeiris, within Stank of Fowles; Katherene Roiſs, dochter to Sir Dauid Roiſs of Balnagoune,[2] being in counſall thairof: And to the mare verificacioun, thow delyuerit to him with the ſaid aucht ſchillingis, foure elnes linning claith for his labouris; quhilkis he confeſt, being accuſit judiciallie, and wes convict be ane Aſſyis, and brunt for the ſamin, as the haill countrie knawis.—(14.) Alſo, thow art accuſit, for reſſauing of certane poyſoun, quhilk wes brocht to the be the ſaid Williame M'Gillieverie-dam, quhene thow ȝait (went) to thy chalmer, in that nycht in Williame Monrois hous, be the hand of Katherene Roiſs, dochter to Sir Dauid Roiſs; quhilk the ſaid Williame M'Gillievorie-dam confeſt,

[1] Poison for rats, ratsbane. [2] She afterwards married the well known Sir William Sinclair of Mey, who, when a boy, was a leader of the riot at the High School of Edinburgh, and killed John MacMorran, one of the bailies, while attempting to quell the disturbance, September 5, 1595.

being accuſit; and wes convict be ane Aſſyſe, and ȝaid to deid with the ſame.—(15.) And alſo, thow art accuſit, for ſending the ſaid Williame M'Gillievori-dame to the Egyptianis,[1] to haif knawledge of thame, how to poyſoun the young Laird of Fowles and the young Lady Balnagoune; quhilk the ſaid Williame grantit, being accuſit, and wes convict for the ſame.—(16.) And forder, thow art accuſit, for reſſauing of the rottoun poyſoune, quhilk the ſaid Williame M'Gillievori-dame confeſt he bocht fra Thomas Roiſs, merchant in Aberdene, in Elgne, without ony ſiluer gewin thairfore; and thaireftir for poyſoun, quhilkis he bocht in Tayne, and delyuerit itt to the, and thow baid him keip ſecreit ſic thingis as thow patt[2] to his charge, anent the bying of the ſaid poyſoune; quhilk the ſaid Williame grantit, being accuſit and judiciallie convict for the ſamin, be the Aſſyſe.—(17.) Also, thow art accuſit, for continewing in thy former wickitnes and develrie, quhen Williame M'Gilliveri-dame was ſend for be the, in the moneth of Maij, anno lxxvij, Donald M'Ky being meſſinger, to the toun of Taine; and thaireftir, he com to Fowles and ſpak with the, ane lang ſpace, quhair thow ſperit at him, Gif he had mair of the poyſane to gif the, for that poyſone thow had gottin of befoir, was our[3] litill to ſerve thy turne; and he ſaid, he had nane ready at that tyme; and refuiſit, without the Laird thi brothir waigeit.[4] And ſiclyk, thow ſperit at the ſaid Williame, Quhidder the poyſone foirſaid ſervit bettir to be gevin in eggis, browis or keill? And he anſuerit, that thow ſuld dres the ſamin as thow thocht guid, and grantit to the ſaid Williame that thy brother, the young Laird of Balnagown, knew of the ſaid poyſone alſe weill as thow did; in taikin quhairof, thow ſend furſt to him out of the place, with Donald M'Kay, ane ſtoip of guid aill, with breid and cheis; quhilkis the ſaid Williame grantit, being accuſit, and was convict for the ſamin; as the Proces thairof beris, and is manifeſt to the haill contrey.—(18.) Alse, thow art accuſit, for quyet and lang conference with the ſaid Williame M'Gillevor-dame, in Williame Munrois chalmer, in Culcragy, in October, anno lxxvij, Katherene Roſs being preſent, anent the former purpois of the down-putting of the young Lady Balnagowne; thow gaif him vſe of vadge;[5] and on Witſunday evin, the ſaid yeir, for the ſaid cauſe, thow gaif him xx ſ. And ſiclyk, thow cauſit Johnne M'Findlay Moir, in Miltoune of Catuall, to delyuer to the ſaid Williame M'Gilleveri-dame, in ſummir the ſaid yeir, ane firlot of meill; quhilkis he confeſſit, being accuſit, and was convicte for the ſamin.—(19.) Also, thow art accuſit, for cauſing of Agnes Roy, ane vther of the Vichis, to pas for Loſke Loncart to ſpeik with the, in midſumir, in anno lxxvj; quha ſpak to the, that thow wald gang in Hillis to ſpeik the elf folk; and gif the cace wer, that the young Lady of Bal-

[1] Gipsies. [2] Entrusted. [3] Too. [4] Hired him, was his employer. [5] Wages, feed. bribed or hired him.

nagown departit, that ſcho had ſpokin to the, gif the young Laird of Foulis deit, the young Laird of Balnagoun wald mair (marry) the young Lady Foulis (his) wyf: And thow gaif to the ſaid Williame M'Gillevori-dame fyve ellis linning clayth, in the moneth of September, anno lxxvj; and on Paſche-day thaireftir, xvj ſ. be Williame Cuikis ſone; quhilk the ſaid Agnes confeſſit.—(20.) Also, thow art accuſit, for the aſſiſting with the ſaid Agnes Roy, ſpeciale, quhen ſcho was paſſing for Marrioune M'Kaine M'Aleſter alias *Loske Loncartis*, cumand the way with hir, enterit in ſpeking, and ſcho ſaid, 'Scho wald mak bodyis of clay hir ſelf, Criſtian Malcolmſone and Gradache Malcomſone;' and quhen the ſaid Agnes Roy ſperit at hir, 'To quhat effect the ſaid bodyis of clay ſuld be maid?' Quha anſuerit and ſaid, 'That ane of thame wald be maid to the young Lady Balnagoun, and the tothir to the young Laird of Fowlis.' And the ſaid Loſke Loncart com that nycht to Canort, at midſomer, the yeir of God foirſaid: And alſe, Agnes Roy confeſſit, that thair was ſik thingis, and taikinis betuix her and the, and Katherene Roſs Sir Dauidis dochtir, that at quhat tyme the ſaid Agnes Roy had cum in fra Williame M'Gallevori-dam or Loſke Loncart, vithe thair myndis and anſueris, to the and Katherene Roſs Sir Dauidis dochter; in caiſe thair war ony man or woman in the company, quhilk they war nocht privat of thair ſecretis, than the ſigne and taikin was, that the ſaid Agnes Roy ſuld vring and greip thair handis or ſtamp vndir feit; quhilkis promiſſis the ſaid Agnes Roy confeſſit judiciallie, being accuſit, and was convict be ane Aſſyiſe; as the Proces beiris.—(21.) Thow art accuſit, for geving of twa ellis of gray cleyth and ane ſark, with xiij ſ. iiij d. money, quhilk Johne Syidſerf delyuerit at thy command to Johne M'Farcor, cuik to the 3oung Laird of Balnagown, quha had cumin thre tymis to Fowlis, and was in ſpeking with the and Katherene Neynday at ilkan of the ſaidis tymes; and the ſaid Katherene Neynday paſſing out of the ſaid toun of Fowlis, tuik with her, at thy command, rattoun poyſoun to Ardmoir, and delyuerit it to the cuik, to mix it with ane kiddis neir,[1] quhilk the young Lady Balnagoun and her cumpany fell that nycht:[2] And Katherene Neynday, being in Ardmore that time, ſkunnirrit[3] with it ſa mekill, that ſcho ſaid, that it was the faireſt and maiſt cruell ſicht that evir ſcho ſaw, ſeing the vomit and vexacioun that was on the young Lady Balnagoun and hir cumpany; of the quhilk poyſoun, the young Lady Balnagoun contractit deadlie ſeiknes, quhairin ſcho remanis ye (yet?) incureable; as is notorlie knawin, and was confeſſit be the ſaid Agnes Roy, being accuſit judiciallie, and was convict be ane Aſſyiſe thairof.—(22.) Mair, thow art accuſit, for cauſing of Loſkie Loncart mak ane poyſone drink, devyſit be Loſkie Loncart, and reueilit to Katherene Roſs Neynday, and was ordanit to be gevin to the young Laird of

[1] A kid's ear or kidney. [2] A young deer, killed by the company in the chace. [3] Revolted at the sight.

Foulis and ſuld haue bene maid in Neyn Schallonis hous, in Drummyn, at Alhallowmes, in anno lxxvij yeris.—(23.) MAIROUR, thow art accuſit, for aſſiſting of the ſaid Gradoche Malcolmeſoune, quha confeſſit, that Marioune Roſs alias Loſke Loncart, ſchew hir ſecretlie, that thow deſyrit hir to cut of Robert Monroy apperand of Fowlis, and Hector Munroy of Killry, Huchoune Monroy of Aſſoun, Robert Munroy ſone to the ſaid Hector, with threttie of his beſt kinniſmen, and Katherene Roſs dochtir to Sir Dauid Roſs; quhilk is notorious.—(24.) THOW art accuſit, for aſſiſting of Thomas McKane More McAllane McEuoch in all his vngodlie Wicheraft and Devilrie; and ſpeciallie, quhen the ſaid Thomas was ſend be George Roſs, young Laird of Balnagoune, to Farndrocht to the, convoyit with Donald McMilane and Johne Sutherland, brothir to Alex^r Sutherland, the firſt hous he com to, was Criſtian Malcolmis hous in Tane, and was reſauit pleſandlie and weill intertinit that nycht be Criſtiane Malcolmſoune, thow ſperit at this .[1] gif it was hir that ſaid, that hir brother wald be ſlaine: the Lairdis of Foulis eldar, youngar and thow, being at that tyme in Aſſin: And out of that departit Kandlochglaiſs; quhilk tyme, was the xvj day of Auguſt, anno lxxviij yeris: And vpoune the morn thaireftir, being the xvij of Auguſt, thow com doun out of Aſſin to Canort, and thair ſpak with the ſaid Thomas at lenth, and thair deſyrit him to vſe his craft, for putting doun of the ſaid Mariorie Campbell young Lady Balnagoune; and thow promeſit to reuard him gretumlie. And for mair ſure performing of the ſaid young Lady Balnagoune, thow directit George Cuik, ſone to William Cuik in Foulis, to Taine, to twa vemen, (the ane callit Marioune Neynnane Adame McAleſter *alias Loske Loncart*, and Criſtiane Smyth dochter to Robert Smyth in Aſſint, quhilkis vemen ar haldin and reput rank commoune Vichis in the countrey,) for ane elf-arrow-heid, quhilk the ſaid George Cuik reſſauit fra the, and delyuerit in preſence of Criſtiane Malcomeſoune; quhilk thow kepit in thy awin keping; lyk as the ſaid Thomas confeſſit the ſamyn, being accuſit, and was convict thairof.—(25.) FORDER, thow art accuſit, for the keping cumpanie with George Roſs young Laird of Balnagoune, in ane kill in Drumnene, vpoune the xxiiij day of Auguſt, anno thrieſcoir ſevinteine yeiris, Criſtiane Malcumſonis dochter and the ſaid Thomas was preſent thair; the ſaid George Roſs of Balnagowene ſtanding, his bak at the dore, and ane vand in his hand, deſyrit the ſaid Thomas to do that thing quhilk he wes to put to his chairge, tuicheing the deſtructioune of his wyfe and the young Laird of Fowlis; and he ſuld giue him ane garmounthe of cleis[2] for his travellis; quhilkis the ſaid Thomas confeſſit, being accuſit, (and) wes convictit for the ſamen, as the Proces beiris.—(26.) THOW art accuſit, for aſſiſting the ſaid Thomas, Criſtaine Malcomſone, (and) Marioune Nieyn McAllaſter, vpoun

[1] Left blank in record. [2] Suit of clothes.

the ſecund day of Julij, anno threſcoir ſevintene yeiris, for making of ane pictur of butter to the ſaid young Robert Monro Laird of Fowlis, in the ſaid houſe of Caynort, be the devyſe and conſultatioune of the ſaid Donald and Williame M^c^-Gilleuerie, and the ſaid pictur of buttir, eftir it wes maid, wes ſet at the wall-ſyd in the veſter chalmer of the ſaid hous of Coynard, and wes ſchot at with ane elf-arrow-heid be the ſaid Marioune Neyuen M^c^Aleſter *alias Loske Loncart* aucht tymes; quhilk pictur ſcho miſt, and haid (hit?) na pairt thairof: And thow (and) Criſtane Malcomſoune being preſent in the ſaid chalmer, att the ſchotting of the ſaid pictur, thinkand gane the pictur were hit, it wald be for the deſtructioune of the young Laird of Fowlis: Lykas, ſaid Thomas was convict for the ſamin, and ſufferit the deid.—(27.) Als, thow art accuſit, for being in cumpanie with Criſtaine Malcomſoune and Marioune Neyn M^c^Alleſter *alias Loske Loncart*, with the devyſe and conſultatioune of Donald and William M^c^-Gilliourois, made ane vther pictur of clay to the ſaid Robert Monro young Laird of Fowlis, in the ſaid hous of Conord; and ſo it was maid vpoune the morne, the vj day of Julii, anno lxxvij yeiris: Thay ſat the pictur at the wall-ſyd of the chalmer of the ſaid hous, and wes ſchott be the ſaid Criſtaine Neyne M^c^Alleſter *alias Loske Loncart*, with the ſaid elf-arrow, tuelf tymes, and miſt the ſaid pictur: And perſauing that ye miſt the ſamin efter everie ſchott, and maid the ſaid pictur diuerſe and ſindrie tymes, yit the ſamin tuk nocht effect to thair purpoiſe; thow and the ſaid tua womene, thy collegis, being preſent for the tyme, and uiſing[1] ane takin of the ſamin; the ſaid Criſtaine Roſs Malcomſoune haid provydeit thre quarteris of fine linning claithe for the picturis, giue[2] thay haid bene hit with the elf-arrow-heid, and the linning to be bound about the ſaid picturis, and the picturis to haue bene erdit,[3] vnder the Brigend of the Stank of Fowlis, fornent the ȝet:[4] Of the quhilkis premiſſis the ſaid Thomas was convict, and ſufferrit the dethe for the ſamin: as is notorious knawin to the haill cuntrie.—(28.) And ſielyke, thow art accuſit, and (art) ane that vnderſtuid thy ſelf giltie in thy conſcience, of the crymes for quhilkis thay[5] complices aboue wrettin wer convictit; and ane day or tua befoir the burning of thame, thow vndirſtanding that thay, being examinat, wald convict ye of Wychecraft, Sorcerie and poyſoune, in reſpect money of thame knew thay ſecreittis, and was practiſeiris of thy devyſis; thow came quhair tua notaris was, owt of the preſence of ony Juge, and befoir the fenſing of ony Court, and ther, befoir tua or thrie previe witneſſis, declarit, that thow was bruttit and ſclanderit with Wichcraft and Sorcerie, and that thow was reddie bydand the tryall thereof; and ſeing

[1] Wishing, witching, using witchcraft to procure a token, or testimony of success, in their destruction of the young Laird of Fowlis. [2] Gif, if. [3] Earthed, buried under ground. [4] Gate, yett. [5] These.

thair was na manne to accuſe the, thow requirit inſtrumentis; albeit, for feir of thai vitious lyfe, thou neuer came iudicialie to offer the ſamin: And immediatlie eftir the taking of the ſaid inſtrument, thow haid thy horſe alredie drawin furth of the ſtabill, and fled away with diligence, as fugitiue out of the cuntrie, to Cathenis; quhair thow remanit, for the ſpace of thrie quarteris of ane yeir; *in ſignum* and takine, that thow thoucht not to byid in the tryall; quhill at laſt, be lauborrous and moyane of vmq[le] George Erle of Cathanis, hir (thy) huſband wes perſuadit reſſaue him (thee?) home againe.—(29.) AND lykwayis, this inſtant yeir of fourſcoir and nyne, the Laird of Fowlis purcheſt[1] ane Commiſſioune, for puniſchment of certaine Wichis and Sorceris; Befoir any publicatioune thairof, and or[2] he micht have conuenient tyme to put the ſamin in executioune, in reſpect of the trublis that incuirit in the Northe, thow, knawing thai ſelf giltie, and feiring to byd the tryall of ane Aſſyſe, fand the moyane to purcheſe ane Suſpenſioune of the ſaid Commiſſioune; and cauſit inſert in the ſaid Suſpenſioun, nocht onlie thay awin name, and ſic vtheris as was ſpecifiet in the ſaid Commiſſioune, but alſo certaine vtheris quha wer nocht ſpokin of: As the ſaid Commiſſioune and Suſpenſioune thairof, produceit befoir the Secreit Counſall, at mair lenthe beris: Quhilk, gine[3] thow haid beine ane honeſt womane, and willing to abyd tryall, thow wald neuer have crafit Suſpenſioune of ony ſic Commiſſioune; but rather wald haue forderit the ſamin.

THE ſaid Katherene, efter reding of the ſaid Dittay, denyit the ſamin and haill pointis thairof; and offerit hir reddie to byde the Tryell of the perſounes of Aſſyis, ſummond to that effect.

ASSISA.

Johne Sympſoune of Bannaus,
Johne Clwnes, ſone to Alexander Clwnes, burges of Cromartie,
Donald Roſs Williamſoune, in Gane,
John Roiſs in Muldard,
Duncan Bayne apperand of Tulleich,
Donald Tailyeour, burges of Tayne,
John Reid Farquharſoune, burges thair,
Rannald M[c]Ser Duncanſoun, burges thair,
William Kemp in Dingwall,
Alefter M Donald M[c] Alefter thair,
Andro M[c]Cullo, burges of Tayne,
William Rois thair,
Alex[r] Hay, burges thair,
Alex[r] M'Kenzie apperand of Fardane,
Donald M[c]Gilliequhoan, burges in Dingwall.

VERDICT. Quhilkis perſonnes of Aſſyis, being all choſin, ſworne and admittit to paſs vpoune the Aſſyis of the ſaid Catherine, ſcho being accuſit be dittay, thay removit furth of Court to the Aſſyis hous, quhair thay choſit John Sympſoune of Bennaus chancellar of the ſaid Aſſyis: And thairefter votit vpoun the poyntis of the ſaid dittay; and being throuchlie reſoluit thairwith, re-enterit agane in court; quhair thai, be the mouth of the ſaid Chancellar, in preſens of the ſaid

[1] An old forensic term, synonymous with procuring, or obtaining, by payment of the usual official fees.
[2] Ere. [3] If.

Juſtice-depute, ffand, pronuncit and delyuerit the ſaid Catherine, to be innocent and quite of the haill poyntis of the dittay.

Quhairvpoun ſcho aſkit inſtrumentis.

The ſamyn day, Dauid Roiſs of Holme and William Dolace apperand of Buddet, Donald Roſs of Balnamukkie, Thomas Vmphra in Elgyn and John Innes of Lewcheris, oftymes callit, to compeir befoir the Juſtice or his deputes, the ſaid day and place, in the hour of caus, to haif paſt vponne the Aſſyis of the ſaid Katherine, dilatit of the crymes aboue writtin; lawfull tyme of day biddin, and nocht comperand to that effect; thay and ilk ane of thame wes vnlawit, in the pane of fourtie pundis.

Sorcery — Incantation — Witchcraft — Slaughter, &c.

Jul. 22.—Mr Hector Munro of Fowles.

Dilatit of certane crymes of Wichecraft.

The ſamin day, comperit Mr Dauid M'Gill of Cranſtoune Riddell, Aduocat to our ſouerane lord, as perſewar, and produceit the Dittay vnderwrittin; quhairof the tennour followis.

Dittay *againſt the Pannel.*

Mr Hector Monro, Ye ar indytit and accuſit, fforſamekle as, it is Statute and ordanit, be the Actis of Parliament, that nane vſe Sorcerie, Incantatiounis or Wichecraft; and that nane ſeik reſponſis at Wichis, vnder the payne of deid, and confiſcatioun of all thair guidis movable; as the ſaidis actis beris: And trew it is, that ye the ſaid Mr Hectour, in the month of Auguſt I^m.V^c.lxxxviij yeiris, ſend for Johne M'Coneill-gar and his wyffe, and Johne Banes wyffe, in Lytill Alteis, thre notorious and commoune Wiches; and cauſit convoy thame to Johne Murrayes houſe in Bakine, quhair ye reſſauit thame, but[1] knawledge of the ſaid Johne; intertinneit thame with yow, be the ſpace of fyve dayes or thairby, and ſocht reſponſis and conſultatioune att thame; quha poillit[2] the hair of Robert Monro, your brotheris heid, and plait the naillis of his fingeris, and tais, ſocht be thair develiſch meanis to haif cureit him of his ſeiknes; quha wald haif vſit furth the reſt of thair develiſch craft, war nocht thay ferit to tarie with yow, be reſſoun of your fader, quha wald haif apprehendit thame; and thay declarit to yow, that ye was owre[3] lang in ſending for thame, ſwa that thay could do na guid to the ſaid Robert Munro your brothir:—Lyke as, ye, in the ſamin moneth, for feir of your fader, convoyit thame away, vnder ſylence of nycht: Quhilk is notourlie knawin to the haill countrey.—(2.) Item, Ye ar indytit and accuſit, fforſamekle as, ye, in the moneth of Januar I^m.V^c.lxxxviij yeir, haiſing tane ſeiknes in the ſamin moneth and yeir of God foirſaid, ſend youre ſeruand Hector M'Huchefoune M'Intagart, to ſerch and ſeik Marioune M'Ingaruch, ane of the (maiſt) notorious and rank Wichis in all this realme, quha

[1] Without. [2] Polled or cut. [3] Too.

brocht and convoyit hir to yow, on your awin horſe, to Johne M'Intailȝeouris hous in Alnes, quhair ye wes lyand ſeik att that tyme; quhair ye ſocht reſponſis att hir, and travellit to be curit be hir deviliſch Incantaciounis and Wichcraft: Lyke as, ſche, eftir hir cumming to yow, gaif yow thre drinkis of walter furth of thre ſtanis, quhilkis ſche had; and eftir lang conſultacioun had with hir, ſche declarit, that thair wes na remeid for yow to recover your health, without the principall man of your blude ſould ſuffer death for yow; and ye and your complices, haiſing raknit with your ſelffis, quha this ſould be, ffand that it wes George Monro, eldeſt ſone to Katherene Roiſs Lady Fowles: And than, eftir finding furth of this deveiliſch devyce, for your releif, ye and the ſaid Wich concludit with your ſelffis, that nane ſould haif entres to the hous quhair ye lay, quhill[1] your brother George ſould cum: And eftir his cuming to yow, the ſaid Wich deſyrit, that ye ſould gif him your left hand, and ſould tak him be the rycht hand; and that ye ſould nocht ſpeik ane word to him, before he ſpak fyrſt to yow:—Quhilkis iniunctiounis ye kepit, ſeing thair wes nocht ane of your freindis that gatt entres to yow, quhill the ſaid Georges cuming; nochtwithſtanding that diuers of thame come to viſſeit yow. And for the better performance of your deveiliſch purpois, ye ſend for the ſaid George daylie, for the ſpace of fyve dayes, alſweill to his duelling-hous, as to vthir partis of the countrey, quhair he wes att the huntis; deſyring him to cum to yow, quhair ye wes lyand ſeik: Lykeas, the ſaid George, feiring na ewill of yow, come as ane loving brothir to the ſaid M'Intailȝeouris hous, quhair ye wes; thair being nane with yow, bot the ſaid Wich, and your foſter-moder Criſtian Neill Dayȝill, and hir dochtir: And eftir his cuming to yow, ye vſit the iniunctiounis gewin to yow in maner foirſaid be the ſaid Wich, and gaif your left hand in his rycht hand, and ſpak nocht to him for the ſpace of ane houre, vnto the tyme he fyrſt requyrit of yow, 'How ye did?' And ye anſuerit him, and ſaid, 'The better that he had cum to viſſeit yow;' and ſpak na mair to him, nochtwithſtanding ye ſend ſewin poiſtis[2] to him ofbefore. Swa that that nycht, att ane eftir mydnycht, the ſaid Wich, with certane of hir complices, paſt furth of the hous quhair ye lay, and tuik with thame ſpaidis, and paſt to ane pece of eird[3] lyand betuix twa ſondrie ſuperiouris landis, the kinge being the ane ſuperiour, and the Biſchop of . . . . . [4] the vthir; and maid ane graif of your lenth, and tuke vp the ower[5] pairt thairof, and laid it aſyde; the ſaid eird being the neir the ſee flude: And this being done, ſcho come hame and convenit certane of your familiaris, that knew thir ſecreittis, and informit thame, quhat ſould be everie anes pairt, in taking of yow furth to be eirdit[6] in the foirſaid graif; for

[1] Until. [2] Expresses or messengers. [3] Land, *earth*, ground. [4] Left blank. [5] The *over* or upper part, the green sod or turf. [6] Earthed, laid in this grave or trench.

youre releif, and to the death of your broder George:—Quhais anſuer was, 'That gif George ſhould depairt ſuddanlie, that the brute[1] wald ryiſe, and all thair lyves wald be in danger;' and thairfoir willit hir to delay the ſaid Georgis death ane ſpace; and ſcho tuke on hand to warrand him vnto the xvij day of Apryle nixt thaireftir: And efter thir plattis, laid be the ſaid Witch, ſcho and certane your ſerwandis, in the ſaid moneth of Januar I^{m}.V^{c}.lxxxviij yeiris, pat yow in ane pair of blankettis, and careit yow furth to the ſaid graif; and thay war all commandit to be dum,[2] and nevir to ſpeik ane word; vnto the tyme that ſcho and your foſter-moder ſould firſt ſpeik with hir maiſter, the Dewill: And being brocht furth, wes laid in the ſaid graif; and the grene eird, quhilk wes cuttit, wes laid abone, and haldin doune with ſtalfis; the ſaid Witch being beſyde yow: And the ſaid Criſtian Neill, your foſter-mother, wes commandit to ryn the breid of nyne rigis, and in hir hand Neill younger, Hector Leithis ſone; and how ſone the ſaid Criſtian had run the breid of the ſaid nyne rigis, ſcho come agane to the graif, quhair ye was lyand, and inquyrit at the ſaid Witch, 'Quhilk wes hir ſchois?'[3] Quha anſuerit and ſaid, that the ſaid 'Mr Hector wes hir ſchois to leif, and ȝour brother George to die for ȝow.' And this forme wes vſit thryiſe that nycht: And thaireftir, ye was careit hame, all the cumpanie beand dum; and wes put in your bed[4]—To the taken, that ye was partaker of Wichcraft, and that ye allowit thairof, and ſocht reſponſis of the ſaid Marioune the Witch; how ſone ye gat your health, be the dewelifch moyan foirſaid, ye paſt to Hector Monro of Kildrunmodyis, your fader-brothiris hous, and tuke the ſaid Witch with yow; quhair ſcho wes interteneit, as gif ſcho had bene your ſpous, and gaif hir ſik pre-eminence in your cuntrey, that thair was nane that durſt offend hir; and gaif hir the keping of your ſcheip, to cullour the matter, that ye knew hir nocht: And quhen the Kingis Maieſtie requyrit yow to preſent hir to his hienes, ye refuſit hir, vnto the tyme that the ſaid Lady Fowles tuke in hand to preif, that ſcho was in your hous of Fowles: ſwa that ye, aganis your will, wes compellit to preſent hir at Abirdene; quhair ſcho being examinat before his Maieſtie, and produceit the ſtanis ſcho gaif yow watter out of, the quhilk wes the deith of the ſaid George; haiſing denyit of before, that ever ſcho ſaw yow with hir: And quhilk ſtanis wes delyuerit to the Juſtice-

[1] Fr. *Bruit*, report, hue and cry. [2] Dumb, speechless. [3] This word at first sight seems to signify *shoes*, viz. that Hector should stand in George's shoes, and George in Hector's. It rather implies the *choice* of the sister-witch, after the Incantation was completed; who accordingly chooses Hector to live, and George to die. The whole ceremony is *unique*, and calculated to produce a very strong impression on the spectators, especially on the mind of their novice in the 'graif,' who afterwards appears to have been led by the nose by these hags, as effectually as if by St Dunstan's far-famed pincers. [4] A pretty effectual cooler this must have been 'at ane efter mydnycht,' in the 'moneth of Januar!' St Januarius himself, or even Dr Grahame, the earth-bather, would have shrunk from such an ordeal with horror!

Clark in keping.—ITEM, Ye ar indytit, for airt and pairt of the crewall, ſchamefull and odious ſlauchter of the ſaid vmq^le George Monro your brother, be the Inchantmentis and Witchecraftis vſit vpoune yow, and be your dewyiſe, be ſpeking to him within your bed, taking of him be the rycht hand, conforme to the iniunctionis gevin to yow be the ſaid Marioune Ingareach, in the ſaid moneth of Januar I^m.V^c.lxxxviij yeiris; throw the quhilk Inchantmentis, he tuke ane deidlie ſeiknes, in the moneth of Apryle 1590 yeiris; and continewand thairin quhill Junij thairefter, deceiſſit in the ſaid moneth of Junij, being the thrid day of that inſtant. To the mair teſtificatioune, that ye ar giltie of the ſaid cryme, ye being chargeit to preſent the ſaid Wich, ye had hir vpoune your landis and bigingis, and within your toune; and hes put hir aſyd, the ſaxtene day of July inſtant.

QUHILKIS poyntis of Dittay, the ſaid Mr Hector Monro allutirlie denyit; and offerit him reddie to abyde the tryell of ane Aſſyſe thairfore.

ASSISA.

Alexander McKenzie, apperand of Sturdrum,
Duncane Bayne, apperand of Tullich,
Williame Kempt, in Dingwall,
Rannald McSer Duncanſone, burges of Tayne,
Donald McGilliequhorne, thair,
Johne Vaus of Lochſlum,
James Corbett, portionar of Arboill,
Andro McCulloch, bailȝe of Tayne,
Donald Tailȝeour, thair,
Alexander Hay, burges thair,
Thomas Manſoun, burges thair,
Johne Reid Farquharſoune, burges thair,
Wm Innes, portionar of Midgame,
Angus McCulloch in Eiſtir Aird,
Robert Phayne, thair.

VERDICT. The Aſſyſe, be the mouth of the ſaid Johnne Vaus of Lochſlum, Chancellar, in preſens of the ſaid Juſtice-deput, ffand, pronunceit and declarit the ſaid Mr Hector Monro, to be acquit and innocent of all the heidis of the ſaid Dittay: Quhairvpoune he aſkit inſtrumentis.

THE ſamin day, Alexander McThomas alias Thomſoune, burges of Tayne, and Johne Dingwall of Kildyn and Thomas Vmphray, burges of Elgyne, oft tymes callit to haif comperit before oure ſouerane lordis Juſtice or his deputes, the ſaid day and place, in the hour of caus; to haif paſt vpoun the Aſſyiſe of the ſaid Mr Hector Monro of Fowlis, dilatit of the crymes abouewrittin, lauchfull tyme of day biddin, and nocht comperand, thay, and ilk ane of thame, wes vnlawit in the panes contenit in the Actis of Parliament, viz. Fourtie punds.

[*Mr James Wardlaw, Justice-Depute.*]

Slaughter.

Jul. 30.—JAMES VEICH apperand of North Syntoune, Andro Veich, brother to James Veich of Tourhop.

Dilatit of airt and pairt of the ſlauchter of vmq^le Johnne Twedie, tutour of Drummalȝear and burges of Edinburghe; committit the xxiiij day of Julij inſtant.

PERSEWAR, Magdalene Lawſoun, the relict.

Preloquitouris, Mr Williame Somervall, Viccar of Kirbene, Mr Dauid McGill, Aduocat.
Preloquitouris for the pannell.

The Erll Bothwell, The Lord Fleming, The Laird of Balcleuch, The Abot of Melroife, The Laird of Ormiftoune, The Laird of Greneheid, Mr Johnne Preftoune, Mr Alexander King.

The Juftice, vpoun alledgeances proponit, and anfueris maid thairto in the Minute-buik, continewis all proceiding in this mater to the morne. 'Wardat. vpoun allegeance.'

[*Mr Johnne Grahame, Justice-Depute.*]

(Nov. 28.)—The Juftice, being auifit with the Interloquitour vpoun the allegeances maid be Mr Williame Oliphant, *excufatorio nomine* for Johnne Lord Fleming, concerning the nocht vnlawing of James and Andro Veichis, for the flauchter of vmq^le^ Johnne Twedie, tutour of Drummelzear, and anfueris maid thairto be the Aduocat; ffand, that thay fould be vnlawit, nochtwithftanding the faid allegeance.

The famin day, Williame Veich of Daik and Andro Broune of Hairtrie, as cautioneris and fouirteis, coniunctlie and feuerallie, wer vnlawit, in the pane of ten thowfand poundis money of this realme, for the nonentrie of James Veich, apperand of North-Sintoune, and Andro Veich, brother to James Veich, apperand of Tourhoip, before oure fouerane lordis Juftice, or his deputes.

Contravention of the General Band, &c.

Aug. 6.—George Hwme of Crammie-cruik, William Reidpeth of Grinlaw, George Hwme of Weddirburne, Patrik Hwme of Polwart and thirty-two others.

Dilatit of the contraventioune of the Generall Band and of the Actis of Parliament, in nocht prefenting of thair menne before the Juftice or his deputes, in Juftice Courtis; and for nocht removing of thair tennentis, fugitiues, of (off) thair landis; conforme to the faid Generall Band.

(Aug. 7.)—The greateft proportion of the pannels were acquitted; the remainder were either continued or 'replegiat' to the Regalities of Thirlftane, Jedburghe-fforeft, Melroife, &c.

Taking of a Messenger, &c.—Besieging and taking the Place of Fedderat.

Aug. 8.—Edward Crawfurd of Corbifhill, Johnne Crawfurd in Callane and Andro Innes in Turray.

Dilatit of the taking of Johnne Fairwadder, meffinger, and deferteing of him in executioune of his office, he beand in the executioune thereof; and fpeciallie, in the executioune of our fouerane lordis lettres, purcheft at the inftance of

Alexander Irving of Drum, aganis George Crawfurd of Fedderett; and for aſſageing of the Place of Fedderett, taking of the ſamin be ſtrang hand; and vtheris crymes, contenit in the lettres direct thairvpoune.

Continued to the Aire of 'Abirdene, tertio Itineris, vel xv dierum.'

[*Mr Humphrey Blyndschelis, Justice-Depute.*]

Witchcraft—Slaughter, &c.

Aug. 17.—JONETT GRANT *alias Gradoch* in Colquhatſtane and Jonett Clark *alias Spal-ling* in Blalach.

Dilatit of certane crymes of Wichcraft.

PERSEWARIS.

Mr Dauid M'Gill of Crauſtoun-Riddell, Aduocatt, The Laird of Wardes (Williame Leſlie).

The ſaidis perſounes on pannell denyit the Dittay redd to thame; and offerit thame to the tryell of ane Aſſyſe.

VERDICT. Arthoure Skene in Tulloch, Chancillar, delivered the Verdict of the Aſſyſe, whereby 'thay ffand, pronunceit and declarit the ſaid JONETT GRANT *alias Gradoch*, to be fylit and convict of the crewall Murthour of vmq^le^ Alexander Abircrumbie of Ley, be Wichcraft: AND of vmq^le^ . . . . . Gordoune, ſone to beld[1] Johnne Gordoune: AND of the ſlauchter and diſtructioune of ſaxtene heid of nolt,[2] pertening to William Roiſe in Birſebeg: AND of the ſlauchter of vmq^le^ Elſpet Reit be Wichcraft: AND als, of the raſing of the Dewill, and ſeiking of help to Duncan Rychie: AND als, for the ſlauchter of Johnne Pantounis wyffe, be Wichcraft. ITEM, of the taking on hand, to haif diſtroyit the Laird of Cragievar, his ſone and vtheris.—ITEM, fand and pronunceit the ſaid JONET CLARK *alias Spalding*, to be fylit and convict of the ſlauchter of vmq^le^ Johnne Leſlie of Wardes,[3] be Wichcraft: ITEM, of the ſlauchter of the ſaid vmq^le^ Elſpet Reit: ITEM, for gewing of ane ſecreit member to Johnne Coutis; and gewing and taking of power fra ſindrie mennis memberis: ITEM, fylit of taking of Johnne Wattis ſecreit member fra him: ITEM, for bewiching of . . . . . Caddell, ſone to Alleſter Caddell in Bandorie: ITEM, fylit for taking in hand, to help Johnne Reoch in Dalquhing of his ſeiknes, be Wichcraft—ITEM, pronunceit the ſaidis Jonet Grant and Jonet Clark, to be fylit and convict for commoune notorious Wichis.'

SENTENCE. For the quhilkis cauſſis, the Juſtice, be the mouth of James Scheill, dempſtar, adiudgeit thame to be tane to the Caſtell-hill of Edinburghe, and thair wirreit at ane ſtaik, and thair body to be brunt in aſſis; and all thair movabill guides to be eſcheit and inbrocht to our ſouerane lordis vſe, as convict of the ſaidis crymes.

[1] Bald. [2] Cattle, oxen. [3] See the Trial of Beſſie Roy, Aug. 18, 1590.

Sorcery—Incantation—Witchcraft, &c.

Aug. 18.—Bessie Roy, nurreych[1] to the Laird of Boquhane.

Dilatit of the poyntis of Wichcraft following.

Persewaris, ... Leſlie, eldar of Wairdes, Mr Williame and George Leſleis his ſones, Mr Dauid McGill of Cranſtoun-Ryddell, Aduocatt to our ſouerane lord, for his hienes intres.

Dittay *aganis Bessie Roy.*

Bessie Roy, in Fetterneir, ſeruand to the Laird of Boquhane;[2] Ye ar indytit and accuſit, that quhair, ye, beand duelland with Williame King in Barra, be the ſpace of tuel yeiris ſyne or thairby, and haiſing paſt to the feild to pluk lint with vthir wemen, in preſens of thame maid ane compas in the eird, and ane hoill in the middis thairof: And thaireftir, be thy conjuratiounes, thow cauſit ane grit worme cum fyrſt out of the ſaid hoill, and creip owre the compaſe; and nixt ane lytill worme, quhilk crap owre alſo; and laſt, cauſit ane grit worme cum furth, quhilk could nocht pas owre the compas, nor cum out of the hoill, bot fell doune and deit: Quhilk inchantment and Wichcraft thow interpreit in this forme:—That the fyrſt grit worme that crap owre the compas, was the Guid-man, Williame King, quha ſould leve; and the lytill worme, was ane barne in the Guid-wyffes wamb, quhilk wes vnknawin to ony manne that ſche was with barne; and that the barne ſould leve; and thrydlie, the laſt grit worme thow interpreit to be the Guid-wyffe, quha ſould die: Quhilk com to pas eftir thy ſpeiking, quhow ſone ſche wes delyuerit of the ſaid barne. And this is manifeſt to the haill countrey; quhilk thow can nocht deny.—Item, Ye ar indytit and accuſit, for away taking, be Wichcraft, of ane puir womanis milk, callit Beſſie Steill, quha cam to Williame Kingis hous in Bairoch, ſeking almes: and haiſing ſittin doune beſyd the fyre, to gif hir barne ſouk, thow in the meane tyme, being ane nurriſch thy ſelff, and perſawing the puir woman to haif mair abundance of milk nor thow had; and ſeing that the Guid-wyffe thy huſſie[3] ſould haif detenit the puir woman, and gewin hir the barne to foſter; thow, be thy deveiliſch incantatiounes and Wichcraft, abſtrakit and tuik away hir milk: And immediatlie eftir the puir woman wes paſt out of the hous, ſcho perſawit hir milk to be tane away, come agane to the ſaid hous, and complenit to the Guid-wyffe, that the nwriſch had takin away hir milk; and ſaid, Gif ſcho wer nocht reſtorit to hir milk, ſche ſould devulgat the ſame throw the countrey, and ſchaw how ye had vſit hir. And thow, fering thy deweliſch craft to be revelit, ſaid to the puir womane, 'Gif I haif thy milk, cum ſic a nycht to me to this hous, and aſk itt for Godis ſaik, and thow ſall haif itt.' Lyke as, the ſaid puir woman, being gled to reſſaue hir milk agane, come that ſame nycht as thow ap-

[1] Nurse, Fr. *nourrice.* [2] John Leſlie. [3] Housewife, mistress.

poyntit hir, and lay in the hous befyd ye all nycht; and about the middis of the nycht, thow cryit vpoun hir and walknit hir, and baid hir reffaue hir milk: and incontinent fche walknit, and hir palpis fprang out full of milk, and remanit with hir thaireftir. This thow did, as is notourlie knawin to the haill countrey, and thow can nocht deny.—ITEM, thow art indytit for ane commoune away-takir of wemennis milk in the haill countrey, and detening the famin att thy pleafour; as the haill countrey will teftifie. The quhilk thow can nocht deny.—ITEM, thow art indytit and accufit, for the bevifching[1] of William Kingis wyfe of Barraucht, tuelf yeiris fenfyne or thairby, for your diuilifche devyfe, eftir thow haid left hir feruice; thow caufit propyne[2] hir with ane plaid of thine, quhilk, beand full of inchantmentis and forcerie, being laid one hir bed, cauffit hir fuddentlie thereftir depairt:[3] Quhilk is notorius to the haill countrie; quhilk thow cane nocht deny.—ITEM, thow art indytit for ane commoun theif, quhilk thow vfis be inchantment and flicht of the Diuill; for laitlie, thow cam to Alexander Thines hous in the Benvie-end of Traichie, in the monethe of November laftwas; and thair, be inchantment, blew vp his duris and his haill lokkis of his houfe, and ftall out fic gere as thow plefit; and thaireftir lokit the duris and loctis, as thay wer abefoir: Quhilk thow cane nocht deny.—ITEM, thow art indytit and accufit, that laitlie, beand murifh to the Lard of Balquhene (John Leflie), in the moneth of Maij and Junij laftbypaft, thow, be thy inchantment and forcerie, maid vp the haill lockis of the place, and vpunt[4] the haill durris thairof, and ftall ane fteill box out of ane coffer, quhairin wes gryt fowmes of gould and gould-fmyth-work; quhair, one (on) being accufit thaireftir, thou allegeit, that ane blak manne came and gaif the famin to the; quhilk wes nothing but the illufioune of the Diuill: Quhilk yow cane nocht deny.—SICLYK, thow art indytit and accufit, for the crewall, airt and pairt and bevifching of vmq^le^ Johnne Leflie of Cultis, quhair as thow trefekit with vmq^le^ Barbara Keand *alias Leslie*, with Jonet Grant, with Jonet Clark *alias Spalding*,[5] lyk as thair Confeffiounes and Depofitiounes teftifies thair vngodlie airt and pairt in the faid murdour; quhairin diuerfe vtheris was pertineris, fic as Marioune Bruce in Awldrain, Beffie Paull in the Cromar, quha ar fugitiues for the faid cryme; and thow onlie eftemit the inftrument of all that mifcheife: Quhilk is notorious be thair Confeffiounes, and yow cane nocht deny.—SICLYKE, thou art indytit and eftemit for ane notoriouife and commowne Wiche in the cuntrie; and cane do all thingis, and hes done all mifcheifis, that denilrie or Wichcraft cane devyfe, in abftracking of mennis lyffis, wemennis milk, beftis milk, and bewifching of

[1] Bewitching. [2] Offer in gift, to make a present. [3] Give up the ghost, die. [4] Opened, burst up. [5] See Aug. 17, 1590.

beſtis als weill as menne; lyk as thai diuerſe practiſis cane teſtifie ye: Quhilk ye cane nocht deny.

Verdict. The Aſſyſe, in preſens of the ſaid Juſtice-deput, ſſand and pronunceit, be the mouth of the ſaid Chancillar, (Arthour Skene in Tulluch,) the ſaid Beſſie Roy to be Innocent and acquit of all and ſindrie the poyntis and heidis of the Dittay abouewrittin. Quhairvpoune, the ſaid Beſſie aſkit act and inſtrument.

Slaughter by Witchcraft.

Aug. 19.—Williame Leslie of Crechie and Violat Auhinlek his ſpous. Dilatit of the ſlauchter and diſtructioun of vmq[le] Johnne Leſlie of Wardes, younger, be Wichcraft; committit in Junij 1586.

Persewaris.

Williame Leſlie of Wairdes, as fader, George Leſlie of Camellis, Mr Williame Leſlie of Warthill, as brethir, Mr Dauid M'Gill of Cranſtoun-Riddell, Aduocat, The Laird of Frendracht, ʒounger.

Preloquitouris for the pannell.

The Erll Bothwell, The Erll of Arroll, The Lord Home, The Laird of Boquhane, The Laird of Wauchtoune, Mr W[m] Leſlie of Cunlie, Mr Alexander King.

The pannell aſkit inſtrumentis of thair entrie, and proteſtit for releif of thair cautioune, and alſe offerit thame reddie to abyde the tryell of ane Aſſyſe, for the crymes abouewrittin; diſaſſenting to all continewatioune.

The Juſtice, for laik of ane ſufficient nowmer of Aſſyſouris, quhairof thair wes ane grit nowmer caſſin,[1] continewit the mater to the thryd day of the nixt Juſtice-air of the Sherefdome of Abirdene, or ſoner, vpoun fyftene dayes wairning.—'Plegiis, Franciſco Comite de Erroll et Joanne Leſlie de Boquhane, conjunctim et diuiſim.'

[Curia Justiciarie, *s. d. n. Regis, tenta xxvj[to] Decembris*, 1590, *per Magistros Johannem Graham et Vmphridem Blynschelis, Justiciarios Deputatos.*]

Treasonably conspiring the Death of the King—Sorcery—Witchcraft—Incantation, &c.

Dec. 26.—Johnne Feane alias Cwninghame, laſt duelland in Preſtoune.[2]

Conuict of diuers poyntis of Wichcraft, contenit in the Dittay.

[1] *Cast*, rejected on account of partiality, relationship, &c. Only two out of the whole 'Roll of Aſſyſe' were sworn, as unexceptionable. [2] He is designed 'ſchoolmaiſter at Tranent,' in the *Historie of King James the Sext*, p. 241; 'Maſter of the ſchoole at Saltpans in Lothian,' in the tract afterwards quoted;' and in the course of these remarkable cases, he is termed 'Regiſter' and 'Secretar to the Devil.'

Comperit the famin Maifter Dauid McGill of Cranftoune-Ryddell, Aduocat to our fouerane lord, as perfewar; and produceit ane Dittay agains the faid Johnne Feane.

ASSISA.

Johnne Wilfoun in Edinburghe,	Robert Seytoun thair,	Thomas Craig thair,
Rychard Newtoune in Tranent,	Robert Thrifkie, merchand, burges of Edinburghe,	Johnne Coluile thair,
Williame Stratherne thair,		James Watfoun thair,
Patrik Halȝeort thair,	Johne Donaldfoun, merchand thair,	Johne Hakit thair,
James Miltoun thair,	Robert Smyth, merchand thair,	Thomas Wrycht thair.

VERDICT. Quhilkis perfounes of Affyfe, being chofin, fworne and admittit vpoun the faid Johnne Feanis Affyfe, he being accufit be Dittay of the faidis crymes: Thay removit thame felffis altogidder furth of Court to the Affys-hous, quhair thay chufe the faid James Watfoun chancillar; and haif reffonit (vpoun the) pointis of the faid Dittay, and refoluit thairwith: Reenterit agane in the faid Court; quhair thay, be the mouth of the faid Chancillar, ffand, pronunceit and delyuerit the faid Johnne Feane alias Cwninghame, to be fylit and convict, FYRST, That quhan the dewill apperit and come to him, quhen he wes lyand in his bed in Tranent, in Thomas Trumbillis chalmer, mwfand and panfand,[1] how he mycht be revengeit of the faid Thomas, quha had offendit him in nocht fpargeing[2] of his chalmer, as he had promefit, his face being toward the wall; the dewill apperit to him with quhyte rayment, quhair he (the Dewill) fpak to him in thir termes, or ever he (Feane) fpak to him (the Dewill)—'Will ȝe be my ferwand and adore me and my ferwandis, and ȝe fall never want?' And als, that he fuld be revengit of his enemies; lyke as, the faid deuill perfwadit him to burne Thomas Trumbillis hous, in refpect he had nocht keipit promeis.—(2.) ITEM, Fylit, for fuffering of him felff to be markit be the dewill with ane rod, the fecund nycht that he apperit to him, in quhyte arayment as faid is, in his bed; and for feinȝeing of him felff to ly feik in the faid Thomas Trumbillis chalmer, quhair he wes ftrukin in grit extafies and tranfis, lyand be the fpace of twa or thre houris deid, his fpreit tane; and fufferit him felff to be careit and tranfportit to mony montanes, as thocht throw all the warld; according to his awin depofitiounes.—(3.) ITEM, Fylit, according to his awin confeffioune, for the abufing of his body with Margaret Spens, wedo in . . . . . , promefing to haif mareit hir; bot att Satanis command, he ftayit; quha faid to him, Gif he mareit hir, he fould tyne him and mekill ruches.[3]—(4.) ITEM, Fylit for the fuffering of him felff to be careit to North-Berwik Kirk, (he being lyand in ane cloife bed in Preftoun-pannis,) as gif he had bene fouchand[4] athoirt the eird, quhair Sathane commandit him to mak him homage with the reft of his fer-

[1] From 'penfant,' Fr. thinking, cogitating. [2] White-washing or cleansing. [3] Riches, wealth. [4] This suggests the idea of skimming along the surface of the earth with the swiftest flight. '*Souchand*' also denotes a rushing sound, like that of an arrow whizzing through the air.

wandis; quhair he thocht he faw the lycht of ane candill ſtandand in the middis, of his ſeruandis, quhilk apperit blew low[1]; and Sathan ſtwid, as in a pulpet, makand ane ſermond of dowtſum ſpeichis, ſaying, 'Mony cumis to þe fair, and byis nocht all wares;' and deſyrit him 'nocht to feir, thocht he wes grymme: ffor he had mony ſeruandis, quha ſould newir want, and ſould aill na thing, ſalang as their hair wes one; and ſould newir latt ane teir fall fra thair ene,[2] ſalang as thay ſeruit him': And gaif thir leſſonnes and commandis to him, as followis. 'Spair nocht to do ewill, and to eit, drink and be blyth, taking reſt and eiſe, ffor he ſould raiſe þame vp at þe latter day gloriouſlie.'—(5.) Item, Fylit, for the being in cumpany with Sathane att his conventiounes, quhair he ſaw Robert Greirſoune, Michaell Clark, Annie Sampſoune, with ſindrie vtheris; quhair he and all the reſt kiſt him behind, and ſum his erſe; and att the ſame tyme, ffor the bewiching and poſſeſſing of Williame Hutſoune in Windiegoull, with ane ewill ſpreit.—(6.) Item, Fylit, for ſuffering him ſelff to be careit to the ſee with Sathane; and att the fyrſt, he wes ſkumand[3] owre all the ſee without land,[4] in ane boit, accumpaneit with the perſounes aboue writtin; and being of the foir-knawledge of the lek that ſtrak vp in the Quenis ſchip, as the dewill foirtald him.—(7.) Item, Fylit, for the raſing of wyndis att the Kingis paſſing to Denmark, and for the ſending of ane letter to Marioun Linkup in Leyth, to that effect, bidding hir to meit him and the reſt, on the ſee, within fyve dayes; quhair Satan delyuerit ane catt out of his hand to Robert Greirſoune, gevand the word to 'Caſt the ſame in the ſee hola!': And thaireftir, being mountit in a ſchip, and drank ilk ane to otheris, quhair Satane ſaid, 'ȝe ſall ſink þe ſchip;' lyke as thay thocht thay did.—(8.) Item, Fylit, for aſſembling him ſelff with Sathane, att the Kingis returning fra Denmark; quhair Satan promeſit to raiſe ane miſt, and caſt the Kingis Maieſtie in Ingland: And for performing thairof, he tuik ane thing lyke to ane fute-ball, quhilk apperit to the ſaid Johnne lyke a wiſp,[5] and caiſt the ſame in the ſee; quhilk cauſit ane vapour and ane reik to ryis.—(9.) Item, Fylit, ffor being in cumpany with Satan in the Kirk of North-Berwick, quhair he apperit to him, in the forme of ane blak mann within the pulpett thairof; and efter his out-cuminge of the kirk, poyntit the graues and ſtwid aboue thame; quhilkis wer opnit in thre ſindrie pairtis, twa within and ane without; quhilk the wemen demembrit the deid corps and bodeis being thairin, with thair gulleis;[6] and incontinent wes tranſportit, without wordis.—(10.) Item, Fylit, for opening of lokis, and ſpeciallie ane lok in Dauid Seytounis

[1] Blue flame, the candle burnt blue; an inevitable consequence of the presence of the 'foul fiend.'
[2] It was part of this strange superstition, that after a person had renounced his baptism, and sworn fealty to Satan, he could thenceforth shed no tears.—'Item, it is a vehement prefumption, if ſhe cannot weepe at the time of hir examination: and yet Bodin ſaith, that a witch may ſhed three drops out of her right eie.'—*Scott's Discoverie of Witchcraft*, cap. 5.
[3] Skimming.
[4] Out of sight of the land.
[5] Of straw?
[6] Large clasp-knives.

younger in Tranent; and ſielyke, for the opening of the ſaid Dauidis foir ȝett, the key thairof being lyand vpoun the buird,[1] at the ſupper: As alſo, fylit, for the opning of ane lok be his forcerie, in Dauid Seytonnis moderis, be blawing in ane womanis hand, him ſelff ſitand att the fyre ſyde.—(11.) ITEM, Fylit, for the being cumand furth of Patrik Vmphrais ſonis hous in the mylne, vnder nycht, fra his ſupper; and paſſand to Tranent on horſbak, and ane man with him; be his deviliſch craft, raſit vp foure candillis vpoune the horſſis twa luggis, and ane vthir candill vpoune the ſtalff quhilk the man had in his hand; and gaif ſic licht, as gif itt had bene day lycht; lyke as, the ſaidis candillis returnit with the ſaid man, quhill his hamecuming; and cauſit him fall deid, at his entre within the hous.—(12.) ITEM, Fylit, for the wiching[2] and poſſeſſing of the (ſaid) Williame Hutſoune, with ane ewill ſpreit; quhilk continewit with him tuentie ſax oulkis; lyke as, the ſaid ſpreit departit and left him, how ſone the ſaid Johnne wes tane and apprehendit.—(13.) ITEM, Fylit, for being in cumpany with Annie Sampſoune, Robert Grierſoun, Kaet Gray and vtheris, vpoune Hallowmes ewin; thay embarkit in ane boit, beſyde Robert Greirſounis hous in the Pannis, and ſaillit owr the ſea to ane tryiſt thay had with ane vther witch: quhair thay enterit within ane ſchip, and drank gude wyne and aill thairin; and thairefter cauſſing the ſaid ſchip and boit to periſch, with the perſonis being thairin; and than returning hame.—(14.) ITEM, Fylit, for the vſing be way of Witchcraft, of modewart[3] feit vpoune him, in his purſe; gevin to him be Sathan, for this caus, that ſa lang as he had thame vpoune him, he ſuld never want ſiluer.—(15.) ITEM, Fylit, for being in North-Berwik-Kirk, at ane conventioune with Sathan and vtheris witches; quhair Sathan maid ane dewelifch ſermon, quhair the ſaid Johnne ſatt vpoune the left ſyde of the pulppett, narreſt him: And the ſermon being endit, he came doune and tuke the ſaid Johnne be the hand, and led him widderſchinnis[4] about; and thairefter, cauſſit him kyſe his erſe.—(16.) ITEM, Fylit, for the chaiſſing of ane catt in Tranent; in the quhilk chaiſe, he was careit heich aboue the ground, with gryt ſwyftnes, and as lychtlie as the catt hir ſelff, ower ane heicher dyke, nor he was able to lay his hand to the heid off:—And being inquyrit, to quhat effect he chaiſſit the ſamin? Anſuerit, that in ane conventioune haldin at Brumhoillis, Sathan commandit all that wer preſent, to tak cattis; lyke as, he, for obedience to Sathan, chaiſit the ſaid catt, purpoiſlie to be caſſin in the ſea, to raiſe windis for diſtructioune of ſchippis and boittis.—(17.) ITEM, Fylit, that forſamekle as, be his airt of Witchcraft, Magick and Sorcerie, he gaif him ſelff[5] to declair to ony man, how long thay ſould leve, and quhat ſould be thair end;[6] gif thay wald tell yow the day of thair birth: Lyke as, he foirtauld the ſamyn to Marioun Weddell, that hir ſone ſould nocht leve

[1] Table. [2] Bewitching. [3] Mole's feet. [4] Contrary to the course of the sun. [5] Professed, gave out. [6] What death they should die.

xv dayes; quhilk cam to pas as he ſpak.—(18.) Item, Fylit, for declaring of the lyke to Alexander Bouis wyffe in Edinburghe, and ſaying, hir ſone ſould be ſchort quhyle in hir aucht; as he died within a ſchort ſpace thairefter.—(19.) Item, Fylit, for the reſſaving of thir directionis and commandimentis fra Sathan: Firſt, To deny God and all trew Religioune: Secundlie, To gif his faith to the Dewill: and adoring him: Thridlie, He ſaid to the Dewill, that he ſould perſwaid als mony as he could, to his ſocietie: Ferdlie, He dememberit the bodeis of the deid corps, and ſpeciallie of bairnis vnbaptefit: Fyftlie, He diſtroyit men be ſie and land, with coirnis, cattell and guidis; and raiſit tempeſt and ſtormie wedder, as the Dewill himſelff, blawing in the air, &c.—(20.) Item, Fylit, for ane commoune notorious Witch and Inchanter.

The Sentence is not engrossed in the Record, but a jotting made on the margin, 'Conuict of diuers poyntis of Wichcraft, and brynt.'

[The best illustration which can now be afforded of the extraordinary circumstances detailed in this and in ſome of the other Trials for Witchcraft, &c. of this period, is to give an exact reprint of an extremely rare Black-letter tract, considered to be unique; and which appears to the Editor well worthy of a place here.[1] A pretty copious abstract from this curious fragment has already been given to the public, in the learned and ingenious Prefatory Notice to 'Law's Memorialls,' edited by Charles Kirkpatrick Sharpe, Esquire; to whom the Editor is indebted for the use of an accurate transcript, with which the present reprint has been carefully collated.[2] This tract was inserted in a small collection, published by the late eccentric David Webster, titled, 'Collectanea Scotica,' but it is there very inaccurately edited.

The Confessions of Feane, Samson, &c., are said to have 'made the King in wonderful admiration, who, in reſpect of the ſtrangenes of theſe maters, tooke great delight to be preſent at their examinations.' It is very probable that the King's presence at these examinations, and the frequent perusal of similar evidence against the numerous persons who were tried for Witchcraft at this time, laid the foundation for the royal work on 'Dæmonologie.']

NEWES FROM SCOTLAND,

Declaring the damnable life of Doctor Fian a notable Sorcerer, who was burned at Edenbrough, in Januarie laſt 1591; which Doctor was Regiſter to the Deuill, that ſundrie times preached at North Barricke Kirke to a

[1] The Editor would have preferred inserting the 'Newes from Scotland' in the Appendix to the reign of King James VI., but as that must of necessity be retarded for a considerable time, the explanations afforded in Feane's Confessions would thereby lose much of their interest. [2] Mr Sharpe's transcript was taken from the Roxburghe Club copy.

number of notorious Witches; with the true Examinations of the ſaid Doctor and Witches, as they uttered them in the preſence of the Scottiſh King: Diſcouering how they pretended to bewitch and drowne his Majeſtie in the ſea, comming from Denmarke; with ſuch other wonderfull matters, as the like hath not bin heard at anie time.

Published according to the Scottish Copie.

Printed for William Wright.[1]

To the Reader.

The manifold untruths which are ſpred abroad, concerning the deteſtable actions and apprehenſion of thoſe Witches, whereof this hiſtorie following truely entreateth, hath cauſed me to publiſh the ſame in print; and the rather, for that ſundrie written coppies are lately diſperſed therof, containing that the ſaid Witches were firſt diſcovered by meanes of a poore pedler travelling to the towne of Trenent; and that by a wonderfull manner hee was in a moment convayed at midnight from Scotland to Burdeux in France, (being places of no ſmall diſtance,) into a merchantes ſellar there; and after beeing ſent from Burdeux into Scotland by certaine Scottiſh merchants to the Kings Majeſtie, that he diſcovered thoſe Witches, and was the cauſe of their apprehenſion; with a number of matters miraculous and incredible: all which in truth are moſt falſe. Neverthelefs, to ſatisfie a number of honeſt mindes, who are deſirous to be informed of the veritie and truth of their confeſſions, which for certaintie is more ſtraunger than the common reporte runneth, and yet with more truth, I have undertaken to publiſh this ſhort Treatiſe, which declareth the true diſcourſe of all that happened, and as well what was pretended by thoſe wicked and deteſtable Witches againſt the Kingis Majeſtie, as alſo by what means they wrought the ſame.

All which examinations (gentle Reader) I have here truly publiſhed, as they were taken and uttered in the preſence of the Kings Majeſtie, praying thee to accept of it for veritie; the ſame being ſo true as cannot be reproved.

A True Discourse

Of the apprehenſion of ſundrie Witches lately taken in Scotland; whereof ſome are executed, and ſome are yet impriſoned. With a particular recitall of their examinations, taken in the preſence of the Kings Majeſtie.

God, by his omnipotent power, hath at all times, and daily dooth take ſuch care, and is ſo vigilant for the weale and preſervation of his owne, that thereby he diſappointeth the wicked practices and evill intentes of all ſuch as by any meanes whatſoever ſeeke indirectly to conſpire any thing contrary to his holy will: Yea, and by the ſame power he hath lately overthrowne and hindered the intentions and wicked dealings of a great number of ungodly creatures, no better than Devils; who, ſuffering themſelves to be allured and enticed by the Devil whom they ſerved, and unto whom they were privately ſworne, entered into the deteſtable art of Witchcraft, which they ſtudied and practiſed ſo long time, that in the

[1] There appears to have been another edition of this remarkable Tract, in all respects the same with the Roxburghe reprint. At least, in the Gent. Mag. vol. xlix, p. 393, it is reprinted, but bears at the foot of the title-page, 'At London, printed for Thomas Nelson.' Nelson was probably joint proprietor with Wright, each party affixing his name to the copies sold by him.

ende they had ſeduced by their ſorcerie a number of others to be as bad as themſelves, dwelling in the boundes of Lowthinn, which is a principall ſhire or part of Scotland, where the Kingis Majeſtie uſeth to make his cheifeſt reſidence or abode: and to the ende that their deteſtable wickedneſſe, which they privily had pretended againſt the Kingis Majeſtie, the commonweale of that countrie, with the nobilitie and ſubjects of the ſame, ſhould come to light, God of his unſpeakable goodnes did reveale and laie it open in verie ſtrange ſorte, thereby to make known to the world that their actions were contrarie to the lawe of God, and the naturall affection which we ought generally to beare one to an other: The manner of the revealing whereof was as followeth.

Within the towne of Trenent, in the kingdome of Scotland, there dwelleth one David Seaton, who, being deputie bailiffe in the ſaid towne, had a maid called Geillis Duncane, who uſed ſecretlie to abſent and lie forth of hir maiſters houſe every other night: This Geillis Duncane tooke in hand to helpe all ſuch as were troubled or grieved with anie kinde of ſicknes or infirmitie, and in ſhort ſpace did perfourme many matters moſt miraculous; which things, for aſmuche as ſhe began to do them upon a ſodaine, having never done the like before, made her maiſter and others to be in great admiration, and wondered thereat: by meanes whereof, the ſaide Davide Seaton had his maide in great ſuſpition that ſhee did not thoſe things by naturall and lawfull waies, but rather ſuppoſed it to bee done by ſome extraordinarie and unlawfull meanes. Whereupon, her maiſter began to grow verie inquiſitive, and examined hir which way and by what meanes ſhee was able to performe matters of ſo great importance; whereat ſhee gave him no aunſwere: nevertheleſs, her maiſter, to the intent that hee might the better trie and finde out the truth of the ſame, did with the help of others torment her with the torture of the pilliwinkes[1] upon her fingers, which is a grievous torture; and binding or wrinching her head with a cord or roape, which is a moſt cruell torment alſo; yet would ſhe not confeſs anie thing; whereuppon, they ſuſpecting that ſhe had beene marked by the Devill, (as commonly witches are,) made diligent ſearch about her, and found the enemies marke to be in her fore crag, or fore part of her throate; which being found, ſhee confeſſed that al her doings was done by the wicked allurements and entiſements of the Devil, and that ſhe did them by witchcraft. After this her confeſſion, ſhe was committed to priſon, where ſhee continued a ſeaſon, where immediately ſhee accuſed theſe perſons following to bee notorious witches, and cauſed them forth-

[1] '*Pilniewinkis*,' or *pinniewinks*,' a severe instrument of torture, apparently similar to the '*thumbiekins*,' or thumbscrews, afterwards used both in Scotland and England. From a quotation made by Cowell, in his 'Law Interpreter,' this torture appears to have been applied to Robert Smyth of Bury, in the reign of Henry IV.—'Ceperunt infra predictam villam, et ipſum in ferro poſuerunt et *cum cordis ligaverunt, et ſuper polliees* ipſius Roberti, quoddam inſtrumentum vocatum *Pyrewinkes*, ita ſtrictè et durè poſuerunt, quod ſanguis exivit de digitis illius.' *Cart. Abbatie S. Edmundi*, MS. fol. 341. [2] See her Trial, Jan. 27, 1590-1.

with to be apprehended, one after another, viz. Agnes Sampſon,[2] the eldeſt witche of them all, dwelling in Haddington; Agnes Tompſon of Edenbrough; Doctor Fian alias John Cuningham, maſter of the ſchoole at Saltpans in Lowthian, of whoſe life and ſtrange acts you ſhal heare more largely in the end of this diſcourſe. Theſe were by the ſaide Geillis Duncane accuſed, as alſo George Motts wife, dwelling in Lowthian; Robert Grierſon, ſkipper; and Jannet Blandilands; with the potters wife of Seaton; the ſmith at the Brigge Hallis, with innumerable others in thoſe parts, and dwelling in thoſe bounds aforeſaid; of whom ſome are alreadie executed, the reſt remaine in priſon to receive the doome of judgement at the Kinges Majeſties will and pleaſure.

The ſaide Geillis Duncane alſo cauſed Ewphame Mecalrean[1] to bee apprehended, who conſpired and performed the death of her godfather, and who uſed her art upon a gentleman, being one of the Lordes and Juſtices of the Seſſion, for bearing good will to her daughter. Shee alſo cauſed to be apprehended one Barbara Naper,[2] for bewitching to death Archibalde lait Earle of Angus, who languiſhed to death by witchcraft, and yet the ſame was not ſuſpected; but that hee died of ſo ſtraunge a diſeaſe as the Phiſition knewe not how to cure or remedie the ſame. But of all other the ſaid witches, theſe two laſt before recited, were reputed for as civill honeſt women as anie that dwelled within the cittie of Edenbrough, before they were apprehended. Many other beſides were taken dwelling in Lieth, who are detayned in priſon untill his Majeſties further will and pleaſure be knowne; of whoſe wicked dooings you ſhall particularly heare, which was as followeth.

This aforeſaide Agnis Sampſon, which was the elder witche, was taken and brought to Haliriud Houſe before the Kinges Majeſtie, and ſundry other of the nobilitie of Scotland, where ſhe was ſtraytly examined; but all the perſwaſions which the Kinges Majeſtie uſed to hir, with the reſt of his Councell, might not provoke or induce her to confeſſe any thing, but ſtoode ſtiffely in the deniall of all that was layde to her charge; where upon they cauſed her to bee conveyed away unto priſon, there to receive ſuch torture as hath beene lately provided for witches in that country: And for as much as by due examination of witchcraft and witches in Scotland, it hath lately beene founde that the Divell dooth generally marke them with a privie marke, by reaſon the witches have confeſſed themſelves, that the Divell doth licke them with his tong in ſome privie part of their bodie, before hee dooth recyve them to bee his ſervauntes, which marke commonlie is given them under the haire in ſome part of their bodie, whereby it may not eaſily bee founde out or ſeene, although they be ſearched; and generally ſo long as the marke is not ſeene to thoſe which ſearch them, ſo long the parties that

[1] Ewphame Macalzeane of Cliftounhall. See her Trial, Jun. 9, 1591. [2] See her Trial. The persons composing the majority of those who acquitted her, were brought to trial for Wilful Error.

hath the marke will never confeſſe anie thing. Therefore, by ſpeciall commandment, this Agnis Sampſon had all her haire ſhaven off, in each parte of her bodie, and her head thrawne with a rope, according to the cuſtome of that countrie, beeing a payne moſt grevous, which ſhee continued almoſt an hower, during which time ſhe would not confeſſe anie thing, untill the Divels marke was founde upon her privities; then ſhee immediately confeſſed whatſoever was demaunded of her, and juſtifying thoſe perſons aforeſaide to be notorious witches. Item, The ſaid Agnis Tompſon (Sampſon) was after brought againe before the Kinges Majeſtie and his Councell, and beeing examined of the meetings and deteſtable dealings of thoſe witches, ſhe confeſſed, that upon the night of Allhollow Even laſt, ſhee was accompanied, as well with the perſons aforeſaide, as alſo with a great many other witches, to the number of two hundreth, and that all they together went to Sea, each one in a riddle or cive, and went into the ſame very ſubſtantially, with flaggons of wine, making merrie and drinking by the way in the ſame riddles or cives, to the Kirke of North Barrick in Lowthian; and that after they had landed, tooke handes on the lande, and daunced this reill or ſhort daunce, ſinging all with one voice,

Commer goe ye before, commer goe ye,
Gif ye will not goe before, commer let me.

At which time ſhee confeſſed, that this Geillis Duncane did goe before them, playing this reill or daunce, uppon a ſmall trumpe, called a Jewes trump, untill they entred into the Kirk of North Barrick.

Theſe confeſſions made the King in a wonderfull admiration, and ſent for the ſaide Geillis Duncane, who upon the like trump did play the ſaide daunce before the Kinges Majeſtie, who in reſpect of the ſtrangenes of theſe matters, tooke great delight to be preſent at their examinations.

Item, The ſaid Agnis Tompſon (Sampſon) confeſſed, that the Divell, being then at North Barrick Kirke attending their comming, in the habit or likeneſſe of a man, and ſeeing that they tarried over long, hee at their comming enjoyned them all to a pennance, which was, that they ſhould kiſſe his buttockes, in ſign of duety to him; which being put over the pulpit bare, every one did as he had enjoyned them: And having made his ungodly exhortations, wherein he did greatly inveigh againſt the King of Scotland, he received their oathes for their good and true ſervice towards him, and departed; which done, they returned to ſea, and ſo home again. At which time, the witches demaunded of the Divell, 'Why he did beare ſuch hatred to the Kinge?' Who aunſwered, 'By reaſon the King is the greateſt enemie hee hath in the world.' All which their confeſſions and depoſitions are ſtill extant upon record. Item, The ſaide Agnis Sampſon confeſſed before the Kinges Majeſtie ſundrie thinges, which were ſo miraculous

and ſtrange, as that his Majeſtie ſaide 'they were all extreame lyars;' whereat ſhee aunſwered, 'ſhe would not wiſh his Majeſtie to ſuppoſe her wordes to bee falſe, but rather to beleve them, in that ſhee would diſcover ſuch matter unto him as his Majeſtie ſhould not any way doubt of.' And therupon taking his Majeſtie a little aſide, ſhee declared unto him the verie wordes which paſſed betweene the Kinges Majeſtie and his Queene at Upſlo in Norway, the firſt night of mariage, with the anſwere ech to other; wherat the Kinges Majeſtie wondered greatly, and ſwore 'by the living God, that he believed all the devils in hell could not have diſcovered the ſame,' acknowledging her words to be moſt true; and therefore gave the more credit to the reſt that is before declared.

Touching this Agnis Tompſon (Sampſon), ſhe is the onlie woman who, by the Divels perſwaſion, ſhould have intended and put in execution the Kinges Majeſties death, in this manner. She confeſſed that ſhee tooke a blacke toade, and did hang the ſame up by the heeles three daies, and collected and gathered the venom as it dropped and fell from it in ane oiſter ſhell, and kept the ſame venome cloſe covered, untill ſhe ſhould obtaine anie part or peece of foule linnen cloth that had appertained to the Kinges Majeſtie, as ſhirt, handkercher, napkin or any other thing, which ſhee practiſed to obtaine by meanes of one John Kers, who being attendant in his Majeſties chamber, deſired him for olde acquaintaunce betweene them, to helpe her to one, or a peece of ſuch a cloth as is aforeſaide; which thing the ſaide John Kers denyed to helpe her to, ſaying hee could not helpe her unto it. And the ſaide Agnis Tompſon (Sampſon,) by her depoſitions ſince her apprehenſion, ſaith, that if ſhee had obtayned any one peece of linnen cloth which the King had worne and fowled, ſhe had bewitched him to death, and put him to ſuch extraordinarie paines, as if he had been lying upon ſharp thorns and endis of needles. Moreover ſhe confeſſed, that at the time when his Majeſtie was in Denmarke, ſhee being accompanied by the parties before ſpeciallie named, tooke a cat and chriſtened it, and afterward bounde to each part of that cat, the cheefeſt parte of a dead man, and ſeverall joyntis of his bodie: And that in the night following, the ſaide cat was convayed into the middeſt of the ſea by all theſe witches, ſayling in their riddles or cives, as is aforeſaid, and ſo left the ſaide cat right before the towne of Lieth in Scotland. This doone, there did ariſe ſuch a tempeſt in the ſea, as a greater hath not bene ſeene; which tempeſt was the cauſe of the periſhing of a boat or veſſell comming over from the towne of Brunt Ilande to the towne of Lieth, wherein was ſundrie jewelles and rich giftes, which ſhould have beene preſented to the now Queene of Scotland, at her Majeſties coming to Leith. Againe, it is confeſſed, that the ſaide chriſtened cat was the cauſe that the Kinges Majeſties ſhippe, at his comming forth of Denmarke, had a contrarie winde to the reſt of his ſhippes then being in his companie; which

thing was moſt ſtrange and true, as the Kinges Majeſtie acknowledgeth, for when the reſt of the ſhippes had a faire and good winde, then was the winde contrarie and altogether againſt his Majeſtie; and further, the ſayde witche declared, that his Majeſtie had never come ſafely from the ſea, if his faith had not prevayled above their intentions.

Moreover, the ſaide witches being demaunded, how the Divel would uſe them when he was in their company, they confeſſed, that when the Devill did recyeve them for his ſervauntes, and that they had vowed themſelves unto him, then hee woulde carnally uſe them, albeit to their litle pleaſure, in reſpect to his colde nature; and would do the like at ſundry other times.

As touching the aforeſaide Doctor Fian alias John Cunningham, the examination of his actes ſince his apprehenſion, declareth the great ſubteltie of the Divell, and therefore maketh thinges to appeare the more miraculous; for beeing apprehended by the accuſation of the ſaide Geillis Duncane aforeſaide, who confeſſed he was their Regeſter, and that there was not one man ſuffered to come to the Divels readinges but onelie hee: the ſaide Doctor was taken and impriſoned, and uſed with the accuſtomed paine provided for thoſe offences, inflicted upon the reſt, as is aforeſaide. Firſt, By thrawing of his head with a rope, wherat he would confeſſe nothing. Secondly, Hee was perſwaded by faire meanes to confeſſe his follies, but that would prevaile as little. Laſtly, Hee was put to the moſt ſevere and cruell paine in the worlde, called the bootes;[1] who, after he had received three ſtrokes, being inquired if hee would confeſſe his damnable actes and wicked life, his toong would not ſerve him to ſpeake; in reſpect wherof, the reſt of the witches willed to ſearche his toong, under which was founde two pinnes, thruſt up into the heade; whereupon the witches did ſay, Now is the charme ſtinted; and ſhewed, that thoſe charmed pinnes were the cauſe he could not confeſſe any thing: Then was he immediately releaſed of the bootes, brought before the King, his confeſſion was taken, and his own hand willingly ſet thereunto, which contained as followeth: First, That at the generall meetinges of thoſe witches, he was always preſent; that he was clarke to all thoſe that were in ſubjection to the Divels ſervice, bearing the name of witches; that alway hee did take their oathes for their true ſervice to the Divell; and that he wrote

[1] A dreadful torture, which, to the disgrace of this country, was sanctioned by the Privy Council, to extort evidence from obdurate and perjured witnesses, and also Confessions from criminals of their own crimes and delinquencies; or to induce them to inform against or to criminate others, strongly suspected to be implicated. The boots, or *bootikins*, were chiefly made use of in extreme cases, such as High Treason, Witchcraft, &c. This horrid instrument extended from the ankles to the knee, and at each stroke of a large hammer, (which forced the wedges closer,) the question was repeated. In many instances, the bones and flesh of the leg were crushed and lacerated in a shocking manner before confession was made. Fian endured these tortures with almost incredible firmness. See the Trial of John Master of Orkney, Jan. 24, 1596, &c.

for them ſuch matters as the Divell ſtill pleaſed to commaund him. ITEM, Hee confeſſed, that by his witchcraft hee did bewitch a gentleman dwelling neare to the Saltpans, where the ſaid Doctor kept ſchoole, onely for beeing enamoured of a gentlewoman whome hee loved himſelfe; by meanes of which his ſorcery, witchcraft and diveliſh practiſes, hee cauſed the ſaide gentleman, that once in xxiiii howers hee fell into a lunacie and madnes, and ſo continued one whole hower together: And for the veritie of the ſame, hee cauſed the gentleman to bee[1] brought before the Kinges Majeſtie, which was uppon the xxiiii day of December laſt, and beeing in his Majeſties chamber, ſuddenly hee gave a great ſcritch, and fell into madneſſe, ſometime bending himſelf, and ſometime capring ſo directly up, that his heade did touch the ſeeling of the chamber, to the great admiration of his Majeſtie and others then preſent; ſo that all the gentlemen in the chamber were not able to holde him, untill they called in more helpe, who together bound him hand and foot; and ſuffering the ſaide gentleman to lie ſtill untill his furie were paſt, he within an hower came againe to himſelfe; when, being demaunded by the Kinges Majeſtie, 'what he ſawor did all that while,' anſwered, that 'he had been in a ſounde ſleepe.' ITEM, The ſaid Doctor did alſo confeſſe, that hee had uſed meanes ſundry times to obtaine his purpoſe and wicked intent of the ſame gentlewoman; and ſeeing himſelfe diſappointed of his intention, he determined, by all wayes hee might, to obtaine the ſame; truſting by conjuring, witchcraft and ſorcerie, to obtaine it, in this manner. It happened this gentlewoman, being unmarried, had a brother, who went to ſchoole with the ſaide Doctor; and calling the ſaide ſcholler to him, demaunded 'if he did lie with his ſiſter,' who anſwered 'he did:' By meanes whereof, hee thought to obtaine his purpoſe; and therefore ſecretly promiſed, to teach him without ſtripes, ſo he woulde obtaine for him three hairs of his ſiſters privities, at ſuch time as hee ſhould ſpie beſt occaſion for it; which the youth promiſed faithfully to performe, and vowed ſpeedily to put it in practiſe, taking a peece of conjured paper of his maiſter, to lap them in, when hee had gotten them; and thereupon the boy practiſed nightly to obtaine his maiſters purpoſe, eſpecially when his ſiſter was aſleep. But God, who knoweth the ſecrets of all harts, and revealeth all wicked and ungodly practiſes, would not ſuffer the intents of this diveliſh Doctor to come to that purpoſe which he ſuppoſed it woulde; and therefore, to declare that hee was heavily offended with his wicked intent, did ſo work by the gentlewomans owne meanes, that in the ende the ſame was diſcovered and brought to light; for ſhee being one night a ſleepe, and her brother in bed with her, ſodainly cried outt to her mother, declaring that her brother woulde not ſuffer her to ſleepe; whereupon her mother having a quicke capacitie, did vehemently ſuſpect Doctor Fians inten-

[1] Here the first wooden cut is inserted.

tion, by reaſon ſhe was a witch of her ſelf; and therefore, preſently aroſe, and was very inquiſitive of the boy to underſtand his intent; and the better to know the ſame, did beate him with ſundrie ſtripes, wherby hee diſcovered the truth unto her. The mother, therefore, beeing well practiſed in witchcraft, did thinke it moſt convenient to meete with the Doctor in his owne arte; and thereupon took the paper from the boy, wherein hee ſhould have put the ſame haires, and went to a yong heyfer which never had borne calfe, nor gone unto the bull, and with a paire of ſheeres clipped off three haires from the udder of the cow, and wrapt them in the ſame paper, which ſhee again delivered to the boy; then willing him to give the ſame to his ſaide maiſter, which hee immediately did. The ſchoole maiſter, ſo ſoone as he had received them, thinking them indeede to be the maids haires, went ſtraight and wrought his arte upon them: But the Doctor had no ſooner doone his intent to them, but preſently the hayfer cow, whoſe haires they were indeede, came unto the door of the church wherein the ſchoole maiſter was, into the which the hayfer went, and made towards the ſchoole maiſter, leaping and dauncing upon him, and following him forth of the church, and to what place ſoever he went; to the great admiration of all the townes men of Saltpans, and many other who did beholde the ſame. The report whereof made all men imagine he did worke it by the Devill, without whome it coulde never have beene ſo ſufficiently effected; and thereupon, the name of the ſaide Doctor Fian (who was but a yoong man) began to growe common among the people of Scotland, that hee was ſecretly nominated for a notable conjurer.

All which, although in the beginning he denied, and woulde not confeſſe, yet having felt the paine of the bootes, (and the charme ſtinted as aforeſayd,) he confeſſed all the aforeſaid to be moſt true, without producing any witneſſes to juſtifie the ſame; and therupon, before the Kings Majeſty, hee ſubſcribed the ſayd confeſſions with his owne hande; which for truth remaineth upon record in Scotland.

After that the depoſitions and examinations of the ſayd Doctor Fian alias Cuningham was taken, as alreadie is declared, with his own hand willingly ſet thereunto, hee was by the maiſter of the priſon committed to ward, and appointed to a chamber by himſelfe; where, foreſaking his wicked[1] wayes, acknowledging his moſt ungodly lyfe, ſhewing that he had too much folowed the allurements and enticements of Sathan, and fondly practiſed his concluſions, by conjuring, witchcraft, inchantment, ſorcerie, and ſuch like, hee renounced the Devill and all his wicked workes, vowed to leade the lyfe of a Chriſtian, and ſeemed newly converted towards God.

The morrow after, upon conference had with him, he granted that the Devill had appeared unto him in the night before, appareled all in blacke, with a white

[1] The second wood-cut is inserted here.

wande in his hande; and that the Devill demaunded of him, 'If hee woulde continue his faithfull ſervice, according to his firſt oath and promiſe made to that effect:' Whome (as hee then ſaide) he utterly renounced to his face, and ſaid unto him in this manner, 'Avoide! Satan, avoide! for I have liſtned too much unto thee, and by the ſame thou haſt undone me; in reſpect whereof I utterly forſake thee.' To whome the Devill anſwered, that 'once ere thou die thou ſhalt bee mine:' And with that (as he ſayd), the Devill brake the white wand, and immediately vaniſhed foorth of his ſight.

Thus, all the daie, this Doctor Fian continued verie ſolitarie, and ſeemed to have a care of his owne ſoule, and would call uppon God, ſhewing himſelfe penitent for his wicked life; nevertheleſſe, the ſame night, hee found ſuch meanes that he ſtole the key of the priſon doore and chamber in which he was, which in the night hee opened and fled awaie to the Saltpans, where hee was alwayes reſident, and firſt apprehended. Of whoſe ſodaine departure, when the Kings Majeſtie had intelligence, hee preſently commanded diligent inquirie to bee made for his apprehenſion; and for the better effecting thereof, hee ſent publike proclamations into all partes of his lande to the ſame effect. By meanes of whoſe hot and harde purſuite he was agayn taken, and brought to priſon; and then, being called before the Kings Highnes, hee was re-examined, as well touching his departure, as alſo touching all that had before happened. But this Doctor, notwithſtanding that his owne confeſſion appeareth, remaining in recorde under his owne hande writting, and the ſame thereunto fixed in the preſence of the Kings Majeſtie and ſundrie of his Councell, yet did hee utterly denie the ſame.

Whereupon the Kings Majeſtie, perceiving his ſtubborne willfulneſſe, conceived and imagined, that in the time of his abſence, hee had entered into newe conference and league with the Devill his maiſter; and that hee had beene again newly marked, for the which he was narrowly ſearched; but it coulde not in anie waie be founde; yet for more tryall of him, to make him confeſſe, hee was commaunded to have a moſt ſtraunge[1] torment, which was done in this manner following. His nailes upon all his fingers were riven and pulled off with an inſtrument called in Scottiſh a Turkas,[2] which in England wee call a payre of pincers, and under everie nayle there was thruſt in two needels over even up to the heads. At all which tormentes notwithſtanding, the Doctor never ſhronke anie whit; neither woulde he then confeſſe it the ſooner, for all the tortures inflicted upon him. Then was hee, with all convenient ſpeede, by commandement, convaied againe to the torment of the bootes, wherein hee continued a long time, and did abide ſo many blowes in them, that his legges were cruſhit and beaten together as ſmall as might

[1] Unusual, unaccustomed. [2] O. Fr. *Turquois, truquaiſe*, tenaille à l'uſage des marechaux, *i.e.* smith's pincers.

bee; and the bones and flesh so bruised, that the bloud and marrow spouted forth in great abundance; whereby, they were made unserviceable for ever. And notwithstanding all these grievous paines and cruel torments, hee woulde not confesse anie things; so deeply had the Devill entered into his heart, that hee utterly denied all that which he before avouched; and would saie nothing thereunto, but this, that what hee had done and sayde before, was onely done and sayde, for fear of paynes which he had endured.

Upon great consideration, therefore, taken by the Kings Majestie and his Councell, as well for the due execution of justice uppon such detestable malefactors, as also for example sake, to remayne a terrour to all others heerafter, that shall attempt to deale in the lyke wicked and ungodlye actions, as witchcraft, sorcerie, conjuration and such lyke; the saide Doctor Fian was soon after arraigned, condemned and adjudged by the law to die, and then to be burned according to the lawe of that lande provided in that behalfe. Whereupon hee was put into a carte, and beeing first strangled, hee was immediately put into a great fire, being readie provided for that purpose, and there burned in the Castle Hill of Edenbrough, on a Saterdaie, in the ende of Januarie last past, 1591.

The rest of the witches which are not yet executed, remayne in prison till farther triall and knowledge of his Majesties pleasure.

This strange discourse before recited may perhaps give some occasion of doubt to such as shall happen to reade the same, and thereby conjecture that the Kings Majestie would not hazarde himselfe in the presence of such notorious witches, least therby might have insued great danger to his person, and the generall state of the land; which thing in truth might wel have bene feared. But to answer generally to such, let this suffice; that first, it is well knowen that the King is the child and servant of God, and they but the servants to the Devil; hee is the Lords annointed, and they but vesseles of Gods wrath; hee is a true Christian, and trusteth in God; they worse than infidels, for they onely trust in the Devill, who daily serves them, till he have brought them to utter destruction. But heereby it seemeth that his Highnesse caried a magnanimious and undaunted mind, not feared with their inchantmentes, but resolute in this, that so long as God is with him, hee feareth not who is against him; and truelie, the whole scope of this Treatise dooth so plainlie laie open the wonderfull Providence of the Almightie, that if he had not bene defended by his omnipotencie and power, his Highnes had never returned alive in his voiage from Denmarke; so that there is no doubt, but God woulde as well defend him on the land as on the sea, where they pretended their damnable practise.

FINIS.

High Treason—Murder—Fire-raising—Oppression, &c.

Jan. 19, 1590-1.—ANGUS M'CONEILL of Dunnievaig (Lord of Kintyre,) and Lauchlane Maclane of Dowart (Lord of Ilay.)

[THE desperate atrocities committed by the rival Chieftains, Makoneill and Macleane, some of whose misdeeds form the subject of the following Trial, although unfortunately not without a parallel in the history of the feuds and conflicts of the Clans, yet they give such a gloomy picture of the barbarities then in some measure tolerated, or at least winked at, through the weakness of the arm of the law, that some explanation of the circumstances which gave rise to such scenes of horror and bloodshed seems necessary. This cannot be better done, than by giving a pretty copious quotation from the quaint but forcible narrative of the author of 'The Hiſtorie and Life of King James the Sext,' a work recently edited by Thomas Thomson, Esq. Deputy Clerk Register of Scotland, for the use of the Members of the Bannatyne Club. The limited impression of that work must plead the Editor's apology for quoting so largely, as comparatively few have access to this valuable book for reference.]

ANGUS MAK-ONEILL Lord of Kintyre had to his wyff the ſiſter of MACLEANE Lord of Ilay; and althoght thay war brether in law, yit the ane was alwayis in ſic ſuſpicioun with the uther, that of ather ſyde thair was ſa litle traiſt, that almaiſt ſendle or never did thay meit in amitie, lyk unto the common ſort of people, bot rather as barbaris upoun thair awin guairde, or ather be thair meſſingeris. Trew it is, that thir Ilandiſh men ar of nature verie prowd, ſuſpicious, avaricious, full of decept and evill inventioun aganis his nychtbour, be what way ſoever he may circumvin him. Beſydis all this, thay are ſa crewell in taking of revenge, that nather have thay regarde to perſon, eage, tym or caus; ſa ar thay generallie all ſa far addictit to thair awin tyrannicall opinions, that in all reſpects thay exceed in creweltie the maiſt barbarous people that ever hes bene ſen the begynning of the warld; ane example whareof ye ſall heir in this hiſtorie following.—Angus Mac-Oneill underſtanding, be dyverſe reportis, the gude behavior of Maclayne to be ſa famous, that almaiſt he was recommendit and prayſit be the haill newtrall people of thais partis above him ſelf; whilk ingendrit ſik rancor in his hart, that he pretermittit na inventioun how he mycht deſtroy the ſaid Maclayne. At laſt he devyſit to draw on a familiaritie amang thayme, and inveitit himſelf to be bancattit be Maclayne; and that the rather, that Maclayne ſould be the reddier to cum over to his Ile with him the mair glaidlie, ather being requyrit, or upon ſet purpoſe, as beſt ſould pleas him. And when Angus bad ſent adverteiſment to Maclayne, that he was to cum and mak gude cheir, and to be mirrie with him certayne dayis, Maclayne was verie glaid thareof, and anſuerit to the meſſinger,—'My brother ſalbe welcome to me,' ſayd he, 'cum when he liſt.' The meſſinger anſuerit, 'it wald be to morrow.' So when Angus arryvit in effect, he was rycht cheirfullie welcomit be his brother in law, wha remanit thair be the ſpace of fyve or ſax dayis. And when it was perſavit that Maclaynis proviſion was almaiſt ſpent, Angus thocht it then tyme to remove. Indeid the cuſtome of that people is ſa gevin to gluttonie, and drinking without all meaſure, that as ane is invetit to another, thay never ſinder ſa lang as the vivers do left. In end Angus ſayis,—'Becaus I have maid the firſt obedience unto you, it will pleas you cum over to my Ile, that ye may reſſave als gude treatment with me as I have done with you.' Maclayne anſuerit that 'he durſt not adventure to cum to him for miſtruſt;' and Angus ſaid,—'God forbid that evir I ſould intend or pretend any evill aganis you; bot yit, to remove all doubt and ſuſpicion fra your mynd, I will

geve you tua pledges, whilkis falbe ſent unto you with diligence; to wit, my eldeſt ſone, and my awin onlie brother germain: Theſe tua may be keapit heir be your freyndis, till ye cum ſaiflie bak agayne.' Maclayne hering this offer, whilk apperit unto him voyd of all ſuſpicioun, gave credence, and ſo decretit to pas with him to Kintyre; and forder to teſtefie that bayth he ſimplie belevit all to be trew, and that upoun hoip of gude freyndſhip to continew, he thocht expedient to retene à onlie pledge, and that was Angus his brother, and wald cary with himſelf his awin nevoy the ſone of Angus. Whether he did this to ſave himſelf fra ſuſpicion of daynger, as apperantlie of the event he did it, or geve he brocht him bak agayne upon liberall favour, I will not diſpute; becaus I have tauld you afore the perfyt nature and qualeteis of thais Ilandis people; yit becaus Maclaynis educatioun was cevile, and brocht up in the gude lawis and maners of Scotland from his yowth, it may be, that he hes had double conſideratioun, ane be kynd, and another be art of honeſt deliberatioun. To conclude, to Kintyre he came, accumpaneit with 45 men of his kynnisfolk, and ſtowt ſervands, in the moneth of Julii 1586; whare at the firſt arryvall thay war maid welcome, with all humanitie, and war ſumptuoſlie bancattit all that day. Bot Angus in that meyne tyme had premoneiſt all his freynds and weilwillers within his Ile of Kintyre, to be at his hous that ſame nycht, at nyne of the clock, and nather to cum ſoner nor laitter; for he had concludit with himſelf to kill thayme all, the verie firſt nycht of thair arryvall; fearing, that geve he ſould delay any langar tyme, it mycht be, that ather he ſould alter his malicious intentioun, or els that Maclayne wald ſend for ſum greater forces of men for his awin defence. Thus he concelit his intent ſtill, till bayth he fand the tyme commodious, and the verie place proper; and Maclayne, being logeit with all his men within a lang hous, that was ſumthing diſtant fra uther howſing, tuik to bed with him that nycht his nevoy, the pledge aforeſpokin. Bot within ane hour thareſter, when Angus had aſſemblit his men to the nomber of tua hundreth, he placit thayme all in ordor about the hous whare Maclayne then lay. Thareſter he came him ſelf, and callit at the dure upon Maclayne, offring to him his repoſing drink, whilk was forgottin to be gevin to him before he went to bed. Maclayne anſwerit, that he deſyrit na drink for that tyme. Althoght, ſo be, ſaid the uther, it is my will that thou arryſe and cum furth to reſtave it. Then began Maclayne to ſuſpect the falſet, and ſo arraiſe with his nevoy betuix his ſhoulders, thinking that geve preſent killing was intentit aganis him, he ſould ſave him ſelf ſalang as he could, be the boy; and the boy perſaving his father with a naiked ſworde and a nomber of his men in lykmanner about, cryit with a lowd voyce, mearcie to his uncle for Gods ſaik; whilk was grantit, and immediately Maclayne was removit to a ſecret chalmer till the morrow. Then cryit Angus to the remanent that war within;—ſamony as wald have thair awin lyvis to be ſaif, thay ſould cum furth, tua onlie exceptit, whilk he nominat; ſa that obedience was maid be all the reſt, and thais tua onlie feyring the daynger, refuſit to cum furth. Angus ſeing that, commandit incontinent to put fyre to the hous, whilk was immediatlie performit, and thus war the tua men cruallie and unmearcefullie brynt to the death. Theſe tua war verie nar kynnifmen to Maclayne, and of the eldeſt of his clan, renownit bayth for counſall and manheid. The reſt that war preaſoners, of the haill nomber aforetauld, war ilk ane beheadit the dayis following, ane for ilk day, till the haill nomber was endit; yea, and that in Maclaynis awin ſight, being conſtraynit thareunto with a dolorous adverteiſment, to prepare himſelf for the lyk tragicall end, howſone thay ſould be all killit. And when the day came that Maclayne ſould have bene brocht furth, miſerablie to have maid his tragicall end, lyk unto the reſt, it pleaſit Angus to lowp upon his horſe, and to cum furth for joy and contentatioun of mynd, evin to ſe and behauld the tyrannicall fact with his awin eyis. Bot it pleaſit God, wha mearciſullie deilis with all man, and diſappoyntis the decrees of the wicked, to diſapoynt his intent for that day alſo, for he was not ſa ſone on horſe, bot the horſe ſtumblit, and Angus fell of him and brak his leg, and ſo was careit hayme.

The report of this falſet was careit to the Erle of Argyle, Lord Juſtice Generall of Scotland, wha immediatlie aſſemblit his freyndis, and thay thoght neceſſar to compleyne to the King for revenge.

The King directit letters to Angus, be an herauld at armes callit Ormond, commanding him to reſtore Maclayne in the hands of the Erle of Argyle. But the meſſenger was interruptit at the heavening port, whare he fould have tayne ſhipping towart Kintyre, and ſo returnit. Yit be exceiding travell maid be Argyllis freynds, and many unreaſonable ſtrait conditions grantit to Angus, at the laſt, Maclayne was randrit. Bot within few moneths tharefter, Maclayne maid ſic preparatioun of armit men, and aſſemblit a great nomber of weill diſpoſit perſons, wha came with him to Kintyre for revenge of the former injurie; whare, what be fyre, what be ſworde, and what be watter, he deſtroyit all mankynd, nayne except, that came in his way, and all ſort of beaſt that ſervit for any domeſtik uſe or pleaſure of man: And finallie, he came to the verie place whare Angus was mirrelie camping, luiking for na ſik ſuddan invaſioun for the tyme; geve he had not bene horſit incontinent, and withdrawin him ſelf to a ſtrang caſtell whilk was nar by, he had bene weill recompanceit for his former traitorie.—It is a certayne rewll, that all fault growis greater be overſight and forgevenes; for geve tranſgreſſions be puneiſt in dew tyme, the Prence not onlie dois his dewtie in executing of juſtice, to the great contentatioun of the offendit perſon, and gude example to the poſteritie, as a mirror of his gude lyf; bot alſo, he gevis a terror to all offendors weill to behave thayme ſelfis, for feare of regorous puneiſhment.

I have tauld you at lenth the barbarous proceidings of theſe Hauditſhmen, wha althoght thay war writtin for be the King, and ſubtellie traynit in to Edinburgh, in the yeir of God 1591, with promeis of the King ſaifhie to pas and repas, unhurt or moleſtit in thair body or guddis; yit thay war bayth committit to warde within the Caſtell of Edinburgh, whare the King, according to equitie, reaſon, juſtice and gude policie, ſonld have put thayme to a tryall, and had thayme convict for ſik odious unmearcefull crymes committit be thayme, bayth aganis the law of God and man, war notwithſtanding demittit frie to repas hayme agayne, for a ſmall pecuniall ſowme, and a ſhaymefull Remiſſion grantit to ather of thame.—*Hiſtorie and Life of King James the Sext*, (Bannatyne Club's Edit.) 4to, Edin. 1825, p. 217.

THE quhilk day, Angus M'Conill of Dinnievaig, being enterit on pannell, accuſit and perſewit be Dittay, be Mr David M'Gill of Cranſtoun Ryddell, Aduocat to our ſouerane lord, of the crymes following.

DITTAY *against Angus M'Conill of Dinnieveg.*

FYRST, for the maiſt heich poynt of Treſſoune, committit be him: That he, be him ſelff and vtheris in his name, of his cauſing, aganis baith the eſtait of his Maieſtie and Croun, as alſo aganis the eſtait of the countrey, in the monethis of September, October, November, December, att the leiſt in ane or vthir of thame, the yeir of God I^m.V^c.lxxxvij yeiris, tuik vp bandis of men of weir, ſtrangearis, Inglifmen, retenit and kepit thame in cumpanie with him, vnder his waiges, within the countrey of Kintyre, the North and Weſt Iles, invadand and perſew-and vpoun his particlerlie deidlie feid, borne aganis Lauchlan M'Clayne of Dowart, the ſaid Lauchlane, his kyn, freindis, allya, aſſiſteris and pairt-takaris, being ſubiectis and inhabitantis of his hienes realme: In the quhilk Invaſioune, he, accumpaneit with the ſaid men of weare, ſtrangearis, Inglifmen, maid ſindrie ſlauchteris, byrningis, heirſchippis and vthir notorious murthouris and oppreſſiounes, vſurpand thairthrow, our ſouerane lordis auctoritie vpoune him; it being expreſſie inhibite, be the lawis and ordinance of the realme, that na man fould tak vpoun hand, nor attempt, to ſtryke drum, raiſe ony bandis of men of weare,

on horſſe or fute, without expres Commiſſioun and ſpeciall licence of his Maieſtie and Counſall grantit thairto: Lyke as, alſo, it is prohibite, that na Inglifmen be brocht within our ſouerane lordis dominioun, to protect and aſſuir ony of his ſubiectis be ordour of hoſtilitie, as men of weir, quhairbye the eſtait of the cuntrey or liegis thairof mycht be trublit, vnder the pane of Treſſoune: Quhilk deid maiſt treſſonabill, is notorious and can nocht be denyit be yow (him), be reſſoune that ye (he) in your (his) Supplicatioune, laitlie preſentit to his Maieſtie and Counſall in the moneth of July laſtwes, ſet doune the ſame as ane poynt of your (his) Supplicatioune; allegeing the diſſoluing of the ſaid Inglifmen of weir and directing of thame to Ireland, to haif bene a pairt of your (his) obedience; nochtwithſtanding the deid it ſelff is maiſt treſſonabill; quhilk ye (he) can not deny.—Item, For the treſſonabill raiſſing of fyre, byrning and hereing[1] of the Landis of Mull, Terrie, Coill and Loyng, being a pairte of his Maieſteis propir landis, and of his hienes realme and dominioune: And then vnmercifullie ſlew, brynt to deid and murdreiſt twa hundreth perſounes, ſubjectis to his Maieſtie, men, wyffes and bairnis. And this wes done be him, his men, freindis, ſerwandis, aſſiſteris and complices in the moneth of . . . . . the yeir of God I^{m}.V^{c}.lxxxvij yeiris; committand thairbye maiſt wyild, barberous and treſſonabill creweltie. —Item, For airt, pairt, red and counſall, of the treſſonabill ffyre-raſing and burning of the toune of Cairſaik, in Mwle, and hereing thairof, in the moneth of Junij laſtbypaſt; in the quhilk treſſonabill ffyre-raiſſing be him, at leiſt, he being airt, pairt, red and counſall thairof, reſſet and ratihabitioune, ... McIlvray, ane of our ſouerane lordis liegis, wes murdreiſt and ſlane.—Item, Forſamekill as, be Act of Parliament, it is ſtatute and ordanit, that in caiſe ony of our ſouerane lordis liegis wer ſlayne or murdreiſt, being vnder the credeit and power of the ſlayer, the committer of ſik ſlauchter ſuld be declarit tratour; and the deid to be Treſſoune, with foirfaltour of lyffe, landis and guidis: And trew it is and of veritie, that in the moneth of Junij laſtwes . . . . . McIlheynych and . . . . . McIlheynych, being captiues and preſoneris, detenit be him be the ſpace of dyuerſe dayis, and takyn vnder aſſurance betwix him and his partie Lauchlane McClane; he, in the ſaid moneth, cauſit bring thame out of preſſoune, and in his awin preſence cauſit ſtryke of thair heidis without ony dome, and by[2] all ordour of law, vſurping his gracis auctoritie; quhairthrow he hes incurrit the cryme of Treſſoune and panes thairof.—Item, Forſamekill as (he) being ane landit gentleman, hes in all the depredatiounes, ffyre-raſingis, murthouris and heirſchips[3] aboue writtin, and in the executing of everie ane of thame, committit manifeſt thift and ſtouth reif of cattell, inſycht and pleneiſſing, ſtollin, reſſet and reft be him, his men of weir, kynniſmen, freindis, aſſiſteris and pairt-takeris;

[1] Harrying, plundering, sacking, devastation. [2] Past, contrary to, in defiance of. [3] Acts of plundering and devastation.

quhairthrow, he be the Actis of Parliament hes incurrit the cryme of Treſſoune, and aucht to ſuffer the pane thairof.

REFUSIT to paſs to ane Aſſyis, bot become in our ſoverane lordis will for the ſamin.

THE ſamyn day, Lauchlane M'Clane of Dowart, being accuſit and perſewit be the ſaid Mr Dauid M'Gill, aduocat, (of the crimes following,) committit be him.

DITTAY *against Lauchlane M'Clane of Dowart.*

THAT he, be him ſelff, and vtheris in his name, of his cauſſing, aganis the eſtait of his Maieſtie and Croun, as alſo aganis the eſtait of the countrey, in the moneth of November 1588 yeiris, tuik vp bandis of men of weir, ſtrangearis, Spanzertis, quha were ane pairt of the armie, callit 'THE HALIE LYG,'[1] deſtinat for ſuppreſſioun of all that profeſſit the trew and Criſtian Religioune; and ſwa to ſubuert the eſtait of the Kingis Maieſtie, his Croun, countrey and commoune-welth thairof: Quhairthrow, thay wer fund and declarit, oppin and publict inimes, and ſwa to be reſiſtit, be Act of Counſall; as in the ſamin, of the dait the fyrſt of Auguſt 1588, att mair lenth is contenit: Neuirtheles, he retenit and kepit thame in cumpanie with him, vnder his waiges, within the Ile of Mvlle, and remanent North and Weſt Iles, invadand and perſewand, vpoun his particuler deidlie feid borne aganis Angus M'Conill of Dinneveg; the ſaid Angus, his kyn, freindis, allya, aſſiſteris and pairt-takeris, being ſubjectis and inhabitantis of his Maieſties realme: In the quhilk invaſioun, he, accumpaneit with the ſaid men of weir, ſtrangearis, Spanzertis, publict inimeis of the eſtait, as ſaid is, maid ſindrie ſlauchteris, heirſchipis, birningis, depredatiounes and otheris notorious murthouris and oppreſſiounes; and ſpeciallie, in the ſaid moneth of November, he brint with fyre the landis of Canna, Rum, Eg and Ellen-ne-Muk, and hereit the ſame; he ſlew and crewillie murdreiſt Hector M'Cane Channaniche and Donald Bayne his brothir, with ane grit nowmer of wyffis, bairnis and puir laboreris of the ground, about aucht or nyne ſcoir of ſawles, quha had eſchapit the fyre, wes noch ſpairit be his bluidie ſword. And att that ſame tyme, accumpaneit with the ſaidis ſtrangearis, Spanzeartis, publict inimeis as ſaid is, he tuik with him the cannoune, treſſonablie beſageit the hous of Ardenmvrche, be the ſpace of ſax or ſewin dayes, he cauſit ſchwit diuers ſchottis thairat, and ſlew diuers gentilmenne thairin, callit[2] . . . . . ; vſurpand thairthrow his hienes authoritie: It being expreſlie inhibite, be the lawis and ordinances of the realme, that na man ſould tak vpoun hand to ſtryke drum, rais bandis of men of weir, on hors or fute, (or) beſaige houſſis, without expres Commiſſioune and ſpeciall Licence of his Maieſtie and Counſall grantit thairto. Quhilkis deidis maiſt treſſonabill, and ſpeciallie the lifting of men of

[1] The Holy League or Alliance. [2] A line left blank in the Record.

weir, Spanzertis, publict inimeis as ſaid is, execute be him, ar notorious.—Item, Being accwſit and perſewit, that, fforſamekill that, be Act of Parliament, it is ſtatute and ordenit, that in cais ony of our ſouerane lordis liegis wer ſlayne or murdreiſt, being vnder the credite and power of the ſlayer, the committer of ſic ſlauchter ſould be declarit traittoure, and the deid to be Treſſoune, with forfaltour of lyffe, landis and guidis: And trew it is and of veritie, that in the moneth of Februar, the yeir of God I^{m}.V^{c}.lxxxvij yeiris, the ſaid Lauchlane, vnder aſſurance and freindſchip, in compleiting of mariage betuix his moder and Johnne McEan of Ardinmurchin, that ſame nycht eftir the mariage, he, accompaneit with his freindis, ſeruandis and complices, come to the hous quhair the ſaid Johnnis ſeruandis wer ſleping, dredand na ſic iniurie, as ye (he) thane execute, without mercy and pitie he murdreiſt and ſlew Donald McEan Roy V^{c}Eane, and Johnne Growane McIncolliff, with the nowmer of threſcoir ſaules, men and boyes, his graces ſubiectis; and the ſaid Johnne (McEan of Ardnamurchin) his guidfader, with his boy, wer only ſaulff be the moyan of his mother: And thairby committing the cryme of Treſſoune.—Item, For contravening of the foirſaid Actis of Parliament, and committing Treſſoune, in ſa far as, aſſurance being takin betuix him and the ſaid Angus McConeill, be the travellis of the Erll of Ergylle, in the moneth of July, the yeir of God I^{m}.V^{c}.lxxxix yeiris, quhilk wes appoyntit to indure vnto the fyrſt day of May laſtbypaſt; nochtwithſtanding thairof, haiſing na reſpect to our ſouerane lordis Proclamatioun, maid for keping of guid rewle in his Maieſteis abſence furth of this realme, he, without ony feir of God, reverence of his hienes authoritie, nocht regairding his awin ayth, promeis, ſubſcriptioune or ony kynd of honeſtie, maiſt ſchamefullie contravenit and violatit the ſaid aſſurance, quhen as, in the moneth of . . . . . I^{m}.V^{c}.lxxxix yeris, accompaneit with grit forces of men, bodin in feir of weir, came to the landis and Ile of Ornenſay, brunt and herreit the ſamin; immediatlie thaireftir come to the landis of Ardnavin in Ilay, and to the Ile of Gigay, pertening to the ſaid Angus, and thair, he nocht only treſſonablie raſit fyre and brunt and herreit the ſamin, bot alſo, maiſt wickitlie and vnmercifullie brynt to deid, ſlew and crewallie murdreiſt men, wyffis and bairnis being thairin, nocht ſpairing young nor auld; being all his Maieſteis ſubiectis and tennentis, inhabitantis of the ſaid Angus McConeillis lands, vnder traiſt and aſſurance foirſaid: Committand thairby maiſt manifeſt Treſſoune, contrar the ſaid Act of Parliament; and incurrand thairthrow the panis thairin contenit.—Item, For the treſſonabill ffyre-raſing, burning and herreing, of the haill landis of Ilay, being xxiiij myle of lenth, quhilk is a pairt of his gracis propir landis and of his hienes realme and dominioune; and thane maiſt vnmercifullie ſlew, brunt to deid and murdreiſt Donald McDowthie Vayne, Duncan McConne in Ilay, Johnne Dow McNeill Veid, Alex-

ander McRorie Rod, Gilliechallum McKay and . . . . . McKay, brethir, Neill Dow McGillieveray, Gilliechallum McGilliechoane, and fourſcoir gentilmen, beſyde ane multitude of wemen, bairnis and puir laboureris of the ground. And this wes done be him, his men, tennentis, feruandis and complices, in the moneth of July laſtbypaſt. Committand thairthrow maiſt vyld, barbarous and treſſonabill crewaltie.—ITEM, Being accuſit, fforſamekill as he, being ane landit gentilman, hes, in all the depredationis, ffyre-raſingis, murthouris and heirſchipis aboue writtin, and in executing of ewerie ane of thame, committit manifeſt thift, ſtouth-reiff of cattell, inſycht and pleniſſing, ſtollin, reſſett and reft be him, his men of weir, kynniſmen, freindis, affiſteris and pairt-takeris: Quhairthrow, he, be the Act of Parliamant, hes incurrit the pane of Treſſoune.

Become in our ſouerane lordis will for the ſamin. 'INCARCERAT. in Caſtro de Edinburghe,' until his Majeſties will ſhould be declared.

[CURIA JUSTICIARIE *s. d. n. Regis, tenta in Pretorio de Edinburghe, xxvij January* 1590, *per Magistrum Vmphridem Blynscheles, Justiciarium Deputatum.*]

Conspiring the King's Death — Witchcraft — Sorcery — Incantation, &c.

Jan. 27, 1590-1.—AGNES SAMPSOUNE in Nether Keythe.

IN 'The Hiſtorie of King James the Sext,'[1] the extraordinary personage, whose trial ensues, is designated 'AGNES SAMPSON, grace wyff, *alias* callit the wyfe wyff of Keyth.' She is said by Arnot[2] to have been 'a grave matronlike woman, of a rank and comprehension above the vulgar;' and Archbishop Spotswod, in his History of the Church of Scotland,[3] gives the following interesting notice: 'Most of this winter was spent in the discovery and examination of Witches and Sorcerers. Amongst these, Agnes Samson (commonly called *The Wife Wife of Keith*) was most remarkable; a woman, not of the base and ignorant sort of Witches, but matron-like, grave and settled in her answers, which were all to some purpose. In her Examination, she declared that she had a familiar spirit, who, upon her call, did appear in a visible form, and resolve her of any doubtful matter, especially concerning the life or death of persons lying sick. And being asked, what words she used when she called the spirit, she said her word was, *Holla, Maſter;* and that he had learned her so to do. She farther confessed, that the Earl Bothwell had moved her to enquire what should happen of the King, how long he should reign, and what should happen after his death; and the spirit having undertaken to make away the King, after he had failed in performing and was challenged by her, confessed it was not in his power; speaking words she understood not, but as she did take them, the words were, *Il eſt homme de Dieu.*' This is confirmed by Sir James Melville in his Memoirs,[4] and was probably contained in her judicial Confession, though not proved before the Assise. Her Trial, like the rest of the present Collection, is now printed at length for the first time. Mr Arnot, notwithstanding its interest, has reported it in a few lines; for his plan admitted of only an outline, and this of but a few of the leading Cases. Should any of her Examinations be found among the Warrants of the Court of Justiciary or Privy Council, they shall be inserted in the Appendix.

[1] Bannatyne Club's Edition, (Thomas Thomson, Esq., Editor,) p. 241. [2] Criminal Trials, p. 349. [3] Page 383. Lond. 1668. [4] Edition printed for the Members of the Bannatyne Club, (Thomas Thomson, Esq., Editor,) p. 295.

Dilatit of the particular poyntis of Wicheraft, contenit in Dittay.

Persewar, Mr Dauid McGill, of Cranftoun-Ryddell, Advocate to oure fouerane lord.

Assisa.

Johnne Spens, in Saltoune,
Williame Bartram, in Carfra,
Edmund Bartram, in Hoipis,
Dauid Robefoun, in Braidwodfyd,
(Chan.) Williame Quhyte, in Coilftoune-mylne,
Robert Byris, thair,
Robert Kyle, thair,
Williame Stratherne, in Tranent,
Gilbert Edingtoune, in Hadingtoune,
Bernard Broune, thair,
Robert Bagbie, thair,
Robert Dikfoune, in Boltoune,
Williame Stenhous, in Barnis,
Williame Peris, in Hadingtoune,
Mathow Young, thair,
James Richefoune,
Alexander Young thair.

Verdict. Quhilkis perfounes of Affyis, being chofin, fworne and admittit, efter accufatioune of the faid Agnes be Dittay; quha removit thame felffis altogidder furth of Court to the Affyis-hous; quhair, efter chefing of the faid Williame Quhyte chancellair, thay reffonit and votit vpoune the poyntis of the faid Dittay; and being throuchlie refolnit thairwith, re-enterit agane in jugement; quhair thay, be the mouth of the faid chancillar, fand, pronuncit and declarit the faid Agnes,

[*Heir followes the Articles of hir Dittay, quhairof schoe was Convict, be number* (53).]

(1.) To be fylit and convict, of foir-knawlege and telling be hir Witchcraft, that Williame Markeftoune, ferwand to Thomas Watfoune, in Inuerrefk, was bot ane deid man.—(2.) Item, fylit and convict, that Williame Blakeis fone fark being fend to hir, fcho be hir Wicheraft declarit, that the feiknes that he had was ane elf-fchot.—(3.) Item, fylit and convict, for vfing of Wichecraft, in hailling of Johnne Thomfoune in Dirletoune; quha remanit crepill nochtwithftanding thairof.—(4.) Item, fylit and convict, for telling be hir Wichecraft, that Many Nicolfoune gudeman in North Berwick being feik, fcho fould lay hir lyfe for hirs, [his?] quha nochtwithftanding deit thairof.—(5.) Item, fylit and convict, for fchawing be hir Wichecraft, to ane pure woman quha was fend to hir, be the freindis of Dauid Lyndefay, tinkler in Dalkeyth, quha had lyin threttie oulkis feik, and had nocht fpokkin thre dayes befoir the faid pure woman come to hir, that gif he levit over Weddinfday, that he wald nocht die of that maladie; quha mendit of the famyn, according to hir declaratioune.—(6.) Item, fylit and convict, that forfamekle as Johnne Peiny being in Preftoune, being one ane certane tyme verrie feik, fcho, be hir incantatioune and prayer, maid him to convales of his feiknes.—(7.) Item, fylit, for vfing of hir prayer and incantatioune to haif haillit . . . . . .[1] Halyburntoune, guidman of Inchcarne, being than in feiknes; and declaring, that na cherurgeanrie nor phific could help him; quha deceiffit, as fcho tauld the famin.—(8.) Item, fylit, for cuming to Beffie Aiken-

[1] Left blank in Record.

heid, ſpous to Thomas Vans in Hadingtoun, and vſing hir prayer and deweliſch charmes for recovering of hir health to hir.—(9.) ITEM, fylit, that ſcho being ſend for to the Lady Roſlene, quha wes ſeik, ſche knew be hir deviliſch prayer, that the ſaid Lady wes nocht hable to recover; and thairfore, ſcho wald nocht cum to hir.—(10.) ITEM, fylit and convict, that ſcho being brocht to Johnne Youngis wyfe, ſchipard att Bairfute, att Paſch[1] laſtwas, that wes ſeik for the tyme, the ſaid Agnes counſall being ſocht, anent hir health, ſche declarit and anſerit, that ſche wald newir be weill ſalang as ſcho remanit vpoune the ground[2] quhair ſcho wes for the tyme; bot deſyrit, that ſcho ſould be tranſportit of the ſaid ground, and ſcho wald owthir die or mend; quha being tranſportit one hir command, ſchortlie thaireftir departit this lyffe.—(11.) ITEM, fylit, that ſche had foir-knawledge be hir Wichcraft of diſeaſit perſounes, gif thay wald leue or nocht; or quha wes wichit[3] perſounes. To wit, That gif ſche ſtopit anis in hir prayer, the ſeik perſoun wes bewichit; and gif the prayer ſtopit twyis, the diſeaſit perſoune wald die.—(12.) ITEM, fylit and convict, that ſche foir-knew of the Devill, and tauld Patrik Porteous, that he wald leve bot ellevin yeiris.—(13.) ITEM, fylit, that ſche wes maid foir-knawin of the Devill, of the laſt Michelmes ſtorme; and that thair wald be grit ſkayth, baith be ſee and land.—(14.) ITEM, fylit, that ſche wes maid foir-knawin be the ſpreit,[4] that the Quenis Maieſtie wald newir cum in this countrey, except the King fetcht hir.—(15.) ITEM, fylit and convict, that ſche lernit hir ſkill and prayer fra hir fader, quha tauld hir, that quhene ſche wes ſwitit[5] to ony ſeik perſoune, and that gif ſche ſtopit in hir prayer, ſche wald nocht pas to the ſeik perſoun; and gif ſche ſtopit nocht, ſche wald pas, and the perſoun diſeaſit wald leve.—(16.) ITEM, fylit and convict, that ſche be hir dewilyſche prayer, tauld that James Kirkcaldeis wyffe, burges of Hadingtoune, wald convales of hir ſeiknes.—(17.) ITEM, fyllit, for hailling of Johnne Ker of . . . . . ., being ſeik in all mennis judgment to the daith, quha lay in Alexander Fairleis hous, in Langmudrie; and that be hir prayeris and incantatiounis.—(18.) ITEM, for hailling of Johnne Duncan, in Muſſilburcht, of his ſeiknes be hir deweliſch prayeris.—(19.) ITEM, for the foir-telling of Iſſobell Hammiltounis death, ſpous to James Powar; and telling that ſche could nocht amend hir, except the dewill wes raſit; and hir gudman being ane ſpairand man, and wald nocht wair[6] expenſſe, ſche wald ne raiſe him; and tauld that ſche wes bewichit; and this wes done ſax or ſewin ȝeiris ſyne, or thairby.—(20.) ITEM, convict, for the curing of the guidwyffe of Camroun, quha gaid vpoun ſtiltis eftir hir birth, and that be Wichcraft.—(21.) ITEM,

[1] Easter. [2] Land, property, residence. [3] Bewitched. [4] This term is frequently used *par excellence* to designate Satan, it being considered by the vulgar to be dangerous to use his name rashly. [5] Suited, or made suit to, on account of any, &c. [6] Disburse, lay out.

convict, for hailling of the Laird of Reidhallis ſone be Wichcraft, quhome the cherurgeanis had gevin owir.—(22.) Item, fylit and convict, of the cwring of Robert Dikſoun in Bowtoune, in ſomer laſtwas, quha wes ſuſpect be the woman he gat the barne with, or hir mother, quha had putt ſum quheit or vthir thingis[1] in his dowblett; and cauſit him to leif of the ſaid dowblett.—(23.) Item, for the cwring of Johune Cokburn the Schereff of Hadingtounis wyffe, quha wes wichit be the wich of Mirrielawis, be the blaſt of ewill wind, one Hallaw-ewin. —(24.) Item, fylit and convict, of cureing, be hir Wichecraft, incantatioun and ſaying of develiſch prayaris, of Aleſoun Ker, ſpous to Johune Reſtoune, of ane ſeiknes contractit be hir, be the meane of Catherene Gray, ane wich; with the quhilk ſeiknes ſche wes diſeaſit, be the ſpace of thre yeiris preceding that the ſaid Agnes cureit hir.—(25.) Item, fylit and convict, of the vſing of hir develiſch airt of Wichcraft, in cureing of ....., ſpous to Robert Caringtoune in Craprene (Traprene), qua wes bewichit be vmq^le^ Johune M^c^Gill, deſyring the ſaid Robert to paſs and tak the ſaid Johune M^c^Gill, and gif him fair wordes, and deſyre him to pas to his ſeik wyffe; and gif he ȝaid with fairnes, guid it was; bot gif he will (wald) nocht, deſyrit him to cauſe ane young man ga to him, and inquyir quha gart him do itt, and to caus him cum to his wyffe; and gif he refuſit to cum, to bring him aganis his will; quha being brocht in her preſens, ſche wes twyis, in xxiiij houris, extreme wod and out of hir wit.—(26.) Item, acquit[2] of hir develiſch practeſis, and namelie of hir paſſing to Natoun Kirk vnder nycht, with the witch of Carbarrie and vtheris; and thair taking vp the bwreit people, and junting of thame,[3] quhairof ſcho maid inchantit powder for Wichcraft.—(27.) Item, fylit, for cuming to Robert Bailȝie in the Pannis[4] ſone, in ſomer laſt, quha wes very ſeik for the tyme; and only graiping[5] him, and ſpeiking ſum wordis of charming, went hir way, and the chyld wes cwrit and maid haill of his ſeiknes.—(28.) Item, convict, for hailling of Johune Hammiltoune in Sammelſtoune, quha being trublit with ane ſeiknes in his feit, he come to ȝow[6] (hir), and ȝe (ſche) ſend him haill of the ſaid ſeiknes, vpoun the morne eftir his cuming.—(29.) Item, fylit and convict, for cuming to James Libbertounis wyffe in Over Libbertoune, quha was ſeik, vſing of hir develiſch prayeris for hir health, and ſaid quhen (ſche) paſt away, gif ſche come nocht agane ſchortlie, ſche wald depart awa; ſche nocht returning, the ſaid James wyffe de-

[1] Enchanted or bewitched. [2] (On the margin) Nota, 'Acquit of yis.' [3] Taking away their 'jounts,' or joints, for preparing charms, &c. See Articles 42 and 50. [4] Viz. Prestonpans. [5] Gripping, taking hold, *groping*. [6] From the appearance of the Record, it is evident, that 'the pointis' of the Indictment or Dittay had been engrossed, previous to the trial, to save time in Court. The Assise returned a 'special verdict,' rehearsing these *pointis*, and *fyling* or *clenging* the pannel, according to their impression of the evidence. The words 'yow' and 'ye' are usually altered to sche. In this instance, the clerk has omitted to do so.

partit within thre dayes.—(30.) ITEM, fylit and convict, for hailling of the Lady Kilbabertoune, be hir deviliſch prayaris, quha wes diſeaſit of ane havie diſeis.—(31.) ITEM, fylit and convict, for cureing of vmq^le Robert Kerſe in Dalkeyth, quha wes havelie tormentit with wichcraft and diſeis, laid on him be ane Weſtlande Warlach, quhene he wes in Dumfreis; quhilk ſeiknes ſche tuik vpoun hir ſelff, and kepit the ſamin with grit groining and torment quhill the morne; one quhilk tyme, thair wes ane gritt dyn hard in the hous; quhilk ſeiknes ſche caiſt of hir ſelff in the cloiſe, to the effect ane catt or dog mycht haif gottin the ſamin; and nochtwithſtanding, the ſamin wes laid vpoun Alexander Dowglas in Dalkeyth, quha dwynit and departit thairwith; and the ſaid vmq^le Robert Kers wes maid haill.—(32.) ITEM, convict, for the foirtelling, be hir deveiliſch prayer, to vmq^le Patrik Hepburne in Banglais wyffe, that hir huſband, beand ſeik, wald die, becaus hir prayer ſtopit; and thairfore, refuſit to pas and viſſeit him. Quhilk prayer wes reherſit be hir, in maner following:

AGNES SAMPSONE'S *Prayer to hir patientis for liff or daith.*[1]

I TROW[2] in Almychtie God that wrocht, Baith heavin and erth and all of nocht,
In to his deare ſone Chryſt Jeſu, In to þat anaplie[3] lord, I trow,
Wes gottin of þe Haly Gaiſt, Borne of þe Virgin Marie,
Stoppit to heavin, that all weill þane, And ſittis att his faderis rycht hand;
He baid ws cum, and þair to dome Bayth quick and deid, as he thocht conuene.
I trow als in þe Haly Gaiſt. In Haly Kirk my hoip is maiſt,
That halyſchip quhair hallowaris winnis, To aſk forgevenes of my ſinnis,
And ſyne to ryis in fleſch and bane, The lyffe that newir mair hes gane.
Thow ſayis, Lord, 'lovit mocht ȝe be, That formd and maid mankynd of me.'
Thow coſt me on þe aly croce, And lent me body, faull and voce,
And ordanit me to heavinnis bliſs; Quhairfore I thank ȝe Lord of þis;
And all ȝour hallowaris lovit be, To pray to þame to pray to me,
And keep me fra þat fellon fea, And from the ſyn that faull wald flay.
Thow, Lord, for thy bytter paſſioun in, To keip me frome ſyn and wardlie ſchame,
And endles damnatioune. Grant me the joy newir wilbe gane.

SWEIT JESUS CRISTUS. AMENE.

(33.) ITEM, fylit and convict, that the fyrſt tyme ſche begane to ſerue the Dewill, wes eftir the death of hir huſband; and that he apperit to hir, in liknes of ane man, quha commandit hir to acknawledge him as hir maiſter, and to renunce Chryſt; quhairvnto ſche grantit, being movit be povertie and his promeſis, that ſche and hir bairnis ſould be maid ritch, and ſould gif hir power to

[1] This is neither more nor less than a doggerel version of the Apostles' Creed; perhaps one of the monkish rhymes before the period of the Reformation, which Anny had got by heart. [2] Believe.
[3] In Lord Fountainhall's Abstract, he reads 'comely;' but the whole 'prayer' is so different from the above, that it has likely been taken from some other MS., or has been most unfaithfully transcribed. 'Anaplie' seems to be written for *aneplie*, 'aefald,' 'afald,' literally *one-fold*, sincere, without guile, &c.

be revangeit of hir inimeis: and eftir that, he appointit tyme and place for thair nycht meting; and that tyme, in ſigne that ſche wes becum his ſeruand, he markit hir in the rycht kne, quhilk mark ſche belevit to haif bene ane hurt reſſauit be hir fra ane of hir bairnis that wes lyand in the bed with hir; quhilk hurt wes nocht haill for half ane yeir.—(34.) Item, fylit and convict, that the Dewill apperit to hir in liknes of ane dog, att quhome ſche ſocht hir haill reſponſis; and quhene ſche putt him away, ſche chargeit him to 'depart on the law he lewis one;' quha with thay wordis is coniurit and paſſis away.—(35.) Item, fylit and convict, for ſailling, with certane hir complices, out of North Bervik, in ane boit lyke ane chimnay, (the Devill paſſing before thame lyke ane ruk of hay,) to ane ſchip callit The Grace of God, in the quhilk ſche enterit, and the Dewill cauſit hir drink wyne, and gaif hir vthir guid cheir; quhairof ſche and hir cumpany gaif ane part to thame that wes in the flott boit; and att hir being thair, ſche ſaw nocht the marineris, nathir thay ſaw hir; and quhene thay come away, the Dewill raſit ane ewill wind, he being vnder the ſchip, and cauſit the ſchip periſch, and ſche delyuerit tuentie ſchilling to Gray-meill,[1] quha wes with hir in the ſaid ſchip, for his on-waitting.[2]—(36.) Item, fylit, vpoun hir awin confeſſioune, that ſche, be airt of Wichcraft, ſaillit to ane ſchip, quhair thair wes ane vncouth woman, and the Irſch tailȝeour and his wyffe wes principallis thair; and that Rychard Grahame wes ane vthir of the principallis, quha had wrocht mekle miſcheif.—(37.) Item, fylit and convict, for cuming to Aleſoune Inglis, Dauid Robeſounis wyffe, than being ſeik, quha chaiſt hir away, and wald nocht ſuffir ȝow (hir) to vſe ȝour (hir) Wichcraft, to the hailling of his wyffe, becaus ſche wes brutit[3] to be ane wich; and haifing mett with the ſaid Dauid Robeſounis ſeruand, ſche ſaid to him, 'Gif his maiſter had nocht ſpokin the wordis he ſpak, his wyffe had bene ane haill woman, and gangand on hir awin feit.'—(38.) Item, fylit and convict, that quhene ſche wes ſend for to haill the auld Lady Edmeſtoune, quhene ſche lay ſeik, befoir the ſaid Agnes departit, ſche tauld to the gentilwemene, that ſche ſould tell thame that nycht quhidder the Lady wald haill or nocht; and appointit thame to be in the gardin eftir ſupper, betuix fyve and ſax att ewin. Sche paſſit to the gairdene, to devyiſe vpoun hir prayer, one quhat tyme ſche chargeit the Dewill, calling him 'Elva,' to cum and ſpeik to hir, qua come in owir the dyke, in liknes of ane dog, and come ſa neir to hir, that ſche wes effrayit, and chargeit him, 'on the law that he lewit on,' to cum na neirar, bot to anſuer hir; and ſche demandit, Quhiddir the lady wald leif or nocht. He ſaid, 'Hir dayes war gane.' Than he demandit, 'Gif the gentilwemen hir dochteres, quhair thay wer?' And ſche

[1] One of the warlocks who 'kepit the dur' at the grand convention at North Berwick, called by Sir James Melville, 'ane auld ſely pure plowman.' [2] Attendance. [3] Reported—Fr. '*bruit*.'

ſaid, that 'The gentilwemen ſaid, that thay war to be thair.' He anſuerit, 'Ane of thame ſould be in perrell, and that he ſould haif ane of thame.' Sche anſuerit, 'It ſould nocht be ſa,' and ſwa departit fra hir ȝowling. Fra this tyme quhill eftir ſupper, he remanit in the wall.[1] Quhen the gentilwemen come in, the dog come out of the wall, and apperit to thame; quhairatt thay wer effrayit. In the mene tyme, ane of the ſaid gentilwemen, the Lady Torſenȝe, ran to the wall, being forceit and drawin be the Devill, quha wald haif drownit hir, war nocht the ſaid Agnes and the reſt of the gentilwemen gatt ane gryp of hir, and with all hir (their?) forceis drew hir abak agane, quhilk maid thame all effrayd. The dog paſſit away thaireftir, with ane ȝowle. Than ſche ſaid to the gentilwemen, that 'Sche could nocht help the lady, in reſpect that hir prayer ſtopit; and that ſche wes ſorie for itt.' Mairowre, eftir that ſche and ane of hir ſiſteris careit hir deid[2] to ane chalmer, quhair ſche remanit frenettik thre or four dayes, and crippill ane quarter of ane ȝeir, vntill ſche vſit hir develiſch inchantments to coniure the ſpreit agane, and ſche abaid with hir the tyme that ſche lay; and quhen ſche could nocht byde langar hir ſelff, ſche ſend hir ſone to byde with hir; and quhene ather of thame wes preſent, ſche wes weill aneuch; but quhen thay baith left hir, ſche wes als ewill as ſche wes ofbefore.—(39.) ITEM, convict, for that ſche haiſing done pleaſour to the gudwyffe of Gallowſchelis, for the quhilk ſche did nocht ſatisfie hir, ſa ſone als the ſaid Agnes deſyrit; and thairfore ſche ſaid to the ſaid guidwyffe, that 'Sche ſould repent it;' and within few houris thaireftir, the ſaid guidwyffe tuik ane wodnes,[3] and hir toung ſchot out of hir heid, and ſwallit lyke ane pott; quhairfore ſche ſend to hir the thing that ſche deſyrit, and prayit hir to cum to hir, and ſche baid the ſeruand 'Ga away hame, for the guidwyffe wes weill.'—(40.) ITEM, fyllit and convict, of the delyuerie of ane letter, quhilk Johnne Fiene, clark,[4] maid in George Mutis bak hous, in the Pannis,[5] accumpaneit with the guidwyffe of the hous, Gelie Duncan, Beſſie Robſoune, Jokkie Gray-meill, Jonet Gaw, Eriſch Marioune, the wobſteris wyffe of Setoune, Robert Greirſoune, the guidwyfe of Spilmourfurd-mylne callit Meg Begtoune, Jame Sparrowis wyfe callit Kait Wallace, quha convenit thair for raſing of ſtorme, to ſtay the Quenes hame-cuming to Scotland; eftir conſultatioun, quhether Gelie Duncan or Beſſie Thomſoune wes meiteſt to ſend the letter with; and concludit to ſend the ſaid Gelie, quhilk letter wes ſend to Marioun Lenchop in Leyth. The effect quhairoff is this: 'Marioun Lenchop, ȝe ſall warne the reſt of þe ſiſteris, to raiſe þe wind this day, att ellewin houris, to ſtay þe Quenis cuming in Scotland.' Lykeas, they that wer convenit att the Pannis ſould do for their part, beeiſt;[6] and to meit thame that wer in the

[1] Well, draw-well. [2] In a swoon. [3] Madness. [4] 'Regiſter' and 'Secretar' to the Devil. See his Trial, Dec. 26, 1590. [5] Prestonpans. [6] To the eastward.

Pannis; and att thair meting, thay fould mak the ſtorme vniuerſall thro the fee. And within aucht dayes eftir the ſaid Bill wes delyuerit, the ſaid Agnes Sampſoune, Jonett Campbell, Johnne Fean, Gelie Duncan and Meg Dyn[1] baptefit ane catt in the wobſtaris hous, in maner following: Fyrſt, twa of thame held ane fingar, in the ane ſyd of the chimnay cruik, and ane vther held ane vther fingar in the vther ſyd, the twa nebbis of the fingaris meting togidder; than thay patt the catt thryis throw the linkis of the cruik, and paſſit itt thryis vnder the chimnay. Thaireftir, att Begie Toddis hous, thay knitt to the foure feit of the catt, foure jountis[2] of men; quhilk being done, the ſayd Jonet fechit it to Leith; and about mydnycht, ſche and the tua Linkhop, and twa wyfeis callit Stobbeis, came to the Peir-heid, and ſaying thir wordis, 'See that thair be na defait amangis ws;' and thay caiſt the catt in the fee, ſa far as thay mycht, quhilk ſwam owre and cam agane; and thay that wer in the Panis, caiſt in ane vthir catt in the fee att xj houris. Eftir quhilk, be thair inforcerie and inchantment, the boit periſchit betuix Leith and Kinghorne; quhilk thing the Dewill did, and went before, with ane ſtalf in his hand.—(41.) Item, fylit and convict, for making of ane pictour of walx, to the ſimilitude of Mr Johnne Moſcrop,[3] fader-in-law to Ewfame M'Calȝane, att the ſaid Ewfamis deſyre, for the diſtructioune of the ſaid Mr Johnne, and paſt with the ſaid pictour to ane bray abone ane walter on the landis of Keyth, and raſit the Spreit, quha coniurit the pictour to ſerue for the diſtructioun of the ſaid Mr Johnne; and delyuerit the ſamin to Jonett Drummond, ſeruitour to the ſaid Ewfame; and baid hir putt the ſamin vndir hir guid-faderis bed-heid, or bed-feit: And this ſche did, four ȝeiris ſyne, before the ſaid Ewphame wes delyuerit of hir laſt birth.—(42.) Item, fylitt and convict, for putting of mwildis, or powder maid of menis joyntis and memberis,[4] in Natoun Kirk, vnder Ewphame M'Calȝanis bed, tene dayes befoir hir birth; quhilkis mwildis ſche coniureit with hir prayaris, for ſtaying and ſlaiking of grinding the tyme of hir birth.—(43.) Item, convict, of the taking of the pane and ſeiknes of the Lady Hirmeſtoune, the nycht of hir delyuerie of hir birth.—(44.) Item, fylit, of vſing of ane prayer and coniuracioune, quhene ſche haillit ſeik folkis; quhairof the tennour followis.

Agnes Sampsones *prayer and conjuration for hailling of seik folkis.*

All kindis of illis that ewir may be, In Cryſtis name, I coniure ye;
I coniure ye, baith mair and les, With all þe vertewis of þe meſs,
And rycht ſa, be þe naillis ſa, That naillit Jeſus, and na ma;
And rycht ſa, be þe ſamin blude, That reikit owre þe ruithfull rwid;
Furth of þe fleſch and of þe bane, And in þe eird and in þe ſtane.
I coniure þe, in Godis name.

[1] Dunn. [2] Joints of dead men. See Articles 26, 42, and 50. [3] Advocate. See Ewphame Makcalzean's Trial. [4] See Articles 26 and 50.

(45.) ITEM, fylit and convict, for the charming of George Dikſounes hors and cattell fra deing, quhairof thair deid threttene ky, oxin and horſis, be the ewill meanes of Johnne M'Gill; and ſche haiſing reſſauit ane ſtane of cheis, and half ane ſtane of buttir, fra the ſaid Georgis wyfe, thair deit nane thaireftir.—(46.) ITEM, fylit and convict, for the charming of the ky and oxin of Rychard Spens, fermorer for the tyme in Hirmeſtoune, and James Quhyte in Gosfurd; by going vp betuene twa and twa of thame in thair byre, ſtraiking of thair bakis and wambes, and ſaying, 'Aue Maria' oft owre.—(47.) ITEM, fylit, for being att the conventioune quhair Meg Stillcart, Gray and Jonett Campbell wes with hir, and ane vthir deid ſenſyne, being altogidder fyve in number; quhilk wes att the Kirk of Garvett, be-eiſt Burn-ſyde.—(48.) ITEM, for being att the conventioune betuix Couſland and Carbarry, quhair thair was Agnes Straittoun, togidder with the Wich of Carbarrie, and hir ſelff; quhair ſche quarrellit hir maiſter the Dewill, and that, in reſpect ſche had newir gottin guid of him, and ſaid ſche wald renunce him, bott did it nocht; and he promeſit to hir att that tyme, that na thing ſould ga aganis hir.—(49.) ITEM, fylit and convict, that ſche, with the guidwyffe of Spilmour-fuird, Gelis Duncan, Beſſie Thomſoune, Gray-meill, Agnes Stratoune, with certane vtheris to the nowmer of nyne, convenit att Foulſtruthir, and thair had thair conſultatiounis, how thay mycht wrak Dauid Seytoun and his guidis; and firſt, Gelis Duncan, Beſſie Thomſoun and Gray-meill, haillit[1] ane coird att the brig, and the ſaid Agnes Sampſone, cryit, 'Haill, hola!' the end of itt wes very heavie. And quhen thay had drawin, the Dewill cam vp att the end of itt, and ſperit, 'Gif thay had been all guid ſeruandis?' Than thay demandit him, 'Quhat way thay mycht wrak Dauid Seytoune and his guidis?' He gaif to thame cleir thingis, as itt wer ſum peaces of glaſſe, brayit and mixit with ſum peces of coirdis, and ſum vthir thingis amangis thame; and baid lay ane threid langis the mwre, and commandit to ſaw the peces of glas langis the mwre, ſwa that quhatſumeuir come owre fyrſt, ſould periſch ſuddandle. Bot the ſaid Dauid being ſtayit to cum that day, as thay thocht he ſould haif done, the wrak lichtit in the hyndis gudis and his dochter, quha ewir ſence hes bene heavele vexit with terrible viſiounes and apparitiounes, and hir body tormentit with ane ewill ſpreit, quhairwith ſche hes bene poſſeſt maiſt petiefullie; quhairof ſche wes the cheif inſtrument, reſſauing guid deid fra James Porteous and Rychard Crummy to the end foirſaid; and directit Beſſie Thomſoune and Anny Stratoune to the place of Foulſtruthir, to craif ane lok ſalt owre the dur heid, quhilk gif thay had gottin, the wrakment had lichtit on Dauid Setoune and his guidis; and becaus the ſalt wes refuſet, the wrakment lychtit vpoune the hyndis barne and his guidis.

[1] *Hawled,* or pulled a rope or cord.

Conventioun *at the Kirk of North Beruik.*

(50.) Item, fylit and convict, fforſamekle as ſche confeſt before his Maieſtie, That the Dewill, in mannis liknes, mett hir going out in the feildis frome hir awin hous att Keyth, betuix fyve and ſax att ewin, being hir allane; and commandit hir to be at North Bervik kirk the nixt nycht: And ſche paſſit thair on horſbak, convoyit be hir guidſone, callit Johnne Couper, and lychtit att the kirk-ȝaird: Or a lytill before ſche come to itt, about ellewin houris att ewin, thay danceit alangis the kirk-ȝaird; Gelie Duncan playit to thame one a trump, Johne Fiene, miſſellit, led all the reſt, the ſaid Agnes and hir dochter followit nixt; beſydes thir, we Cait Gray, George Moitis wyfe, Robert Greirſoune, Catherene Duncan, Beſſie Wrycht, Iſſobell Gylour, Johnne Ramſayes wyffe, Annie Rychardſoun, Jonett Gaw, Nicoll Murrayes wyfe tailȝeour, Criſtiane Caringtoune alias Lukit, Maſie Aicheſoun, Marrioune Paterſoune, Alexander Quhytelaw, Marioun Nicolſoune, Marioun Bailȝie, Jonett Nicolſoune, Johne Gray-meill, Iſſobell Lauder, Helene Quhyte, Margret Thomſoune, Marioune Scheill, Helene Lauder, Archie Henillis wyfe, Duncan Buchquhannane, Marioune Congiltoun, Beſſie Gwlene, Beſſie Broune the ſmythis wyfe, Thomas Burnhill and his wyfe, Gylbert M'Gill, Johnne M'Gill, Catherene M'Gill, with the reſt of thair complices, abone ane hundreth perſounes, quhairof thair wes ſax men, and all the reſt wemen. The wemen maid fyrſt thair homage, and nixt the men. The men wer turnit nyne tymes widderſchinnes about, and the wemen ſax tymes. Johnne Fien blew vp the duris, and blew in the lychtis, quhilkis wer lyke mekle blak candillis, ſtiking round about the pulpett. The Devill ſtart vp him ſelff in the pulpett, lyke ane mekle blak man, and callit ewerie man be his name, and ewerie ane anſuerit, 'Heir, Mr.' Robert Greirſoune being namit, thay ran all hirdie-girdie and wer angrie; for it wes promeſit, that he ſould be callit 'Ro^t^ the Comptroller alias Rob the Rowar,' for expreming of his name. The fyrſt thing he demandit, was 'Gif thay kepit all promeis, and bene guid ſeruandis?' and 'Quhat thay had done ſince the laſt tyme thay had convenit?'—One his command, thay opnit vp the graves, twa within and ane without the kirk, and tuik of the jountis[1] of thair fingaris, tais and neiſe, and partit thame amangis thame; and the ſaid Agnes Sampſoune gatt for hir pairt, ane windene ſcheit and twa jountis, quhilk ſche tint negligentlie. The Devill commandit thame to keip the jountis vpoun thame, quhill thay wer dry, and thane to mak ane powder of thame, to do ewill withall. Than he commandit thame to keip his commandmentis, quhilkis war, to do all the ewill thay could. Before thay departit, thay kiſt his erſe. He had one him ane goun and ane hatt, quhilkis wer baith

[1] See Articles 26 and 42.

blak; and thay that wer aſſemblit, pairt ſtwid and pairt ſatt. Johnne Fiene wes ewer nerreſt to the Devill, att his left elbok; Gray-meill kepit the dur.[1]—(51.) ITEM, fylit and convict, that quhan hamelines wes contractit betuix hir and Barbara Naipar,[2] in Dalkeyth, Camroune-brig-end and ſoche places, the ſaid Barbara lamentit vnto hir, that a man callit Archie had done hir grit wrang; and aſkit hir counſall, How to be avengeit of him? Quhais anſuer was, that 'Sche ſould mak the help ſche could.' And eftir puttioune[3] betuix thame, the ſaid Agnes preparit ane bony ſmall pictour of ȝallow walx, quhilk ſche inchantit and coniurit vnder the name of Archie, in the eiſt end of the dowcatt of Craig-myllar, in the Dewillis name; and gaif power to the ſaid pictour, that, as it ſould melt away before the fyre, ſwa ſould that man, quhais pictour it was, conſwme and pyne away, quhill he wer vterlie conſwmit; and ſwa delyuerit the ſaid pictour vnto the ſaid Barbara; quha ſaid vnto hir, 'Tak guid tent, that na thing be wrocht to ſtay the purpos.'—(52.) ITEM, fylit and convict, that ſche inchantit be hir ſorcerie, ane lytill ring with ane ſtane in itt, to the ſaid Barbara Naipar; quhilk ring ſche reſſauit fra the ſaid Barbara, ſche my[t] ſche my[t][4] allure Dame Jeane Lyounis hairt, than Lady Angus,[5] to love and favour hir; quhilk ring, ſche

[1] Sir James Melville has preserved the following account of this singular transaction, in his Memoirs (p. 395 of Edition printed for use of the Bannatyne Club). Reference may also be had to the Trial of Johnne Feane alias Cwninghame, Dec. 26, 1590, &c.—'About this tym, many Witches wer tane in Lowdien, wha deponit of ſome (witchcraft?) maid be THE ERLE BODOWELL, as they allegit, againſt his Maieſteis perſone: Quhilk commyng to the ſaid Erlis eares, he entred in ward within the Caſtell of Edenbrouch, defyring to be tryed; alleging that the Deuell, wha was a lyer from the begynning, nor yet his ſworn witches, aucht not to be credited. Specially, ane renowned midwyf callit ANNY SAMPSOUN, affirmed that ſche, in company with nyn vthers witches, being convenit in the nycht befyd Preſtounpannes, the Deuell ther maiſter being preſent ſtanding in the midis of thame; ther a body of wax, ſchaipen and maid be the ſaid Anny Sampſoun, wrappit within a lynnyng claith, was firſt delyuerit to the Deuell; quhilk eftir he had pronuncit his verde, delyuerit the ſaid pictour to Anny Sampſoun, and ſche to hir nyxt marrow, and ſa euery ane round about, ſaying, "This is King James the Sext, ordonit to be conſumed at the inſtance of a noble man Francis Erle Bodowell!" Efterwart again, at ther meting be nycht in the kirk of North Berick, wher the Deuell, clad in a blak gown, with a blak hat vpon his head, preachit vnto a great nomber of them out of the pulpit, having lyk leicht candelis rond about him. The effect of his language was till knaw, what ſkaith they had done, whow many they had won to ther opinion ſen their laſt meting, what ſucces the melting of the pictour had tane, and ſic vain toyes. And becauſe ane auld ſely pure plowman, callit Grey Meill, chancit to ſay, that "nathing ailit the King yet, God be thankit!" the Deuell gaif him a gret blaw. Then dyuers amang them enterit in a raiſonyng, maruelling that all ther deuellerie euld do na harm to the King, as it did till others dyuers. The Deuell anſuerit, "*Il eſt vn home de Dieu.*" And certanly he is a man of God, and dois na wrang wittingly, bot is inclynit to all godlynes, juſtice and vertu; therfor God hes preſerued him in the midis of many dangers. Now efter that the Deuell had endit his admonitions, he cam down out of the pulpit, and caufed all the company to com and kiſs his ers, quhilk they ſaid was cauld lyk yce; his body was hard lyk yrn, as they thocht that handled him; his faice was terrible, his noiſe lyk the bek of ane egle, gret bournyng eyn; his handis and legis wer herry, with clawes vpon his handis and feit lyk the griffon, and ſpak with a how voice!' [2] See her Trial, May 8, 1591. [3] *Sic.* Perhaps parley, deliberation. [4] *Sic.* Probably meant for, 'that ſche mycht.' [5] See May 8, 1591, in Note to Barbara Naipar's Trial. SPOTTISWOOD, p. 372, in reference to the Earl of Angus's death, says, "Never died any nobleman with greater regrate; and ſo much the more was his death lamented, that it was then thought and afterwards confeſſed, he was

ſend agane with hir dochter, within ten dayes thaireftir to the ſaid Barbara, to be vſit to the effect foirſaid.—(53.) Item, for ane commoun notorious Wich, and vſar of Sorcereis and Inchantmentis, with the invocatioun of the Dewill hir maiſter, abuſing the pure ſimple people, thairwith drawing thame fra the lening to the mercie of God, and to beleive in the ſupport of the Dewill.

Sentence.[1] For the quhilk caus, the ſaid Agnes wes ordenit be the Juſtice, pronunceit be the mouth of James Scheill, dempſtar, to be tane to the Caſtell (hill) of Edinburgh, and thair bund to ane ſtaik and wirreit, quhill ſche wes deid; and thaireftir hir body to be brunt in aſſis: And all hir movable guidis to be eſcheit and inbrocht to our ſouerane lordis vſe, &c.

Parricide.

Apr. 30, 1591.—Johnne Diksoun, ſone and apperand air to vmq^le^ Johnne Dikſoun of Belcheſter.

Dilatit of airt and pairt of the crewall ſlauchter of vmq^le^ Johnne Dikſoune of Belcheſter his ſader, committit in July 1588.

Perſewar, Mr Dauid M^c^Gill, Aduocat for his Majeſteis intres.

Verdict. The Aſſyſe, be the mouth of Johnne Farguefoun of Craigdarrauch thair chancillar, ffand the ſaid Johnne Dikſoun to be fylit and convict of the ſlauchter of his ſaid vmq^le^ fader.

Sentence. For the quhilk cryme, the Juſtice, be the mouth of James Scheill, dempſtar, ordanit him to be brokin vpoun the row,[2] at the mercat croce of Edinburgh, and all his movabill guidis to be eſcheit, &c.

taken away by Sorcery and Incantation. In the time of his ſicknefs, when the phyſicians found his diſeaſe not to proceed of any naturall cauſe, one *Richard Graham*, who was executed ſome years after for Witchcraft, being brought to give his opinion of it, made offer to cure him, ſaying, as the manner of theſe wizards is, "That he had received wrong." But when he heard that the man was ſuſpected to uſe unlawful arts, he would by no means admit him, ſaying, "*That his life was not ſo dear to him, as for the continuance of it ſome years he would be beholden to any of the Devil's inſtruments; that he held his life of God, and was willing to render the ſame at his good pleaſure, knowing he ſhould change it for a better.*" Notwithſtanding her improper practices, this lady eſcaped criminal proſecution.'—Home *of Godscroft* remarks: 'Anna Simson, a famous Witch, is reported to have confeſſed at her death, that a picture of waxe was brought to her, having A. D. written on it, which, as they ſaid to her, did ſignifie *Archibald Davidſon;* and ſhee, not thinking of the Earl of Angus, whoſe name was *Archibald Douglas*, and might have been called David-ſon, becauſe his father's name was David, did conſecrate or execrate it, after her forme; which ſhe ſaid, if ſhe had knowne to have repreſented him, ſhee would not have done it for all the world.' [1] On the margin, 'Sentence contra Agnes Sampſone, convict of Witchcraft.—To be brunt in the Caſtell-hill, &c.' [2] Wheel. This was an unusual puniſhment in Scotland, and was reſerved for caſes of the utmoſt atrocity. An inſtance of a criminal being broken upon the wheel occurs in the caſe of Robert Weir, for the murder of John Kincaid of Warrieſtoun. See Jun. 26, 1604. He was ſentenced to be 'brokin vpoune ane row quhill he be deid, and to ly thairat during the ſpace of xxiiij houris: And thaireſter his body to be tane vpone the ſaid row, and ſet vp in ane publict place, betuix the place of Wareſtoun and the town of Leyth; and to remane thairuponne, ay and quhill command be gevin for the buriall thairof.'

[*Per M. Vmphridem Blynschelis, Justiciarium Deputatum, et Assessores M. Dauid Carnegie de Colluthie et D. Jacobum Meluile de Halhill.*]

Witchcraft.

May 8.—Barbara Naipar, ſpous to Archibald Douglas, burges of Edinburgh, (brothir to the Laird of Carſchoggill.)

Dilatit of ſindrie poyntis of Wichcraft, contenit in Dittay gewin in aganis hir, be Mr Dauid M^c^Gill of Cranſtoun-Ryddell, aduocat to our ſouerane lord.

Persewar, Mr Dauid M^c^Gill, Aduocat to our ſouerane lord for his hienes interes.

Preloquitouris for the pannell.

Mr Johnne Ruſſell, Mr Johnne Moſcrop; Williame, Alex^r^ and Andro Naipar, burgeſſis of Edinburgh.

The Juſtice efter proponing of diverſe allegeances be the pannell aganis the Dittay and anſueris maid thairto, ordanit the ſaid Barbara to be putt to the triell of ane Aſſyſe, for the crymes contenit in Dittay.

Assisa.

Johnne Brig, Maiſter portar to his Maieſtie,
George Brig, Maiſter of the Ail-fellar,
Walter Bell, att the Mylne of Deane,
Hector Clawie, burges of the Cannogait,
James Galbraith, Averieman to his Maieſtie,
David Seytoun in Fowlſtruthir,
William Juſtice, merchand burges of Edinburgh,
Johnne Seytoune, Crilman to his Maieſtie,
Joh^r^ Mowbray, merchand burges,
Dauid Fairlie, merchand burges,
Patrik Sandilandis, tailȝeour, burges of Edinburgh,
Mr Arch^d^ Wilkie, burges of Cannogait,
An^d^ Cuthbertſoun, burges of Ed^r^,
Robert Cwninghame, burges thair,
William Harper, burges thair.

Verdict. The Aſſyſe, be the mouth of Robert Cwningham chancillar, ffand, pronunceit and declarit the ſaid Barbara Naipar, to be fylit, culpabill and convict, of the ſeiking of conſultatioun fra Annie Sampſoune ane Wich, for the help of Dame Jeane Lyoune Lady Angus,[1] to keip hir fra wometing, quhen ſche wes in bredin of barne.—Item, For the conſulting with the ſaid Annie Sampſoune, for cauſing of the ſaid Dame Jeane Lyoune Lady Angus to love hir, and to gif hir the geir awin hir agayne, and gewing of ane ryng for this purpois to the ſaid Anny, quhill ſche had ſend hir ane courchie[2] of linning; and ſwa for con-

[1] Dame Jeane Lyon, Lady Angus, was eldest daughter of Patrick, ninth Lord Glammis, who married, 1st, Robert Douglas younger of Lochleven, and was by that marriage mother of William Earl of Morton; 2d, Archibald eighth Earl of Angus, anno 1586, after he had divorced his second wife, a daughter of Lord Rothes, for adultery; and 3d, Alexander Lindsay, afterwards Lord Spynie, one of the Kings favourites. The death of the Earl of Angus in 1588, 'was aſcribed to Witchcraft, and one Barbary Naipar in Edinburgh, wife to Archibald Douglas of the houſe of Caſhogle, was apprehended on ſuſpicion.'—Home *of Godscroft.* Annie Sampson was also concerned in this plot against the life of Angus. Lady Angus does not seem to have been molested for trafficking with these hags, though her great grandmother, Lady Glammis, was brought to the stake for Witchcraft, on more slender presumptions. [2] Fr. *Couvrechef*, kerchief, a sort of head-gear then worn.

travening of the Act of Parliament, in conſulting with her, and ſeiking of hir help, being ane Wich.—Item, For the conſulting with the ſaid Annie Sampſoune, anent the help of hir huſband Archibald Dowglas, quhen he wes in the Weſtland, att the raid of Dumfreis; hir huſband being for the tyme vnder feid with the hous of Cowhill.—Item, For conſulting with Rychie Grahame, ane Nicromanſer and abuſar of the people, in ſeiking of help att him to hir ſone; and gratifeing him thairfore, with thre elnes of bombeſie and fyve quarteris of broune. This was done in Johnne Ramſayis hous, outwith the Weſt-poirt of Edinburgh; incontrar the tennour of the Act of Parliament maid thairanent; att the quhilk tyme, ſche inquyrit att the ſaid Rychie Grahame, gif the King wald cum hame or nocht.—Item, For the hunting[1] and conſulting with ane Wich and Nicromancear, aganis the tennour of the Act of Parliament maid thairanent.—And Acquit the ſaid Barbara of conſulting with the ſaid Rychie, for ane ſtollin dowlet[2] of vmq^le George Ker hir huſband.—Item, (Acquit,) for conſulting with Annie Sampſoune, anent the making of vmq^le Archibald Erll of Angus pictour, to his diſtructioun.—Item, (Acquit,) for being att the conventioune of North-Bervik; and the haill heidis of the Dittay, except the heidis quhairof ſche wes convict.

Dome *pronunceit aganis Barbara Naper.*

May 10.—The quhilk day ane Lettre producit, ſubſcryuit be the Kingis Maieſtie and his hienes Chancillar, for pronunceing of the dome vnderwrittin, againis the ſaid Barbara; of the quhilk Precept the tennour followis.

'Rex.

'Justice, Juſtice-Clark and ȝour deputes, We greit ȝow weill. Forſamekill as Barbara Naper, ſpous to Archebald Dowglas burges of Edinburgh, wes convict in ane Court of Juſticiarie, haldin in our Tolbuthe of Edinburgh, þe aucht day of May inſtant, for þe ſeiking of conſultatioune fra Annie Sampſoune ane Witch, &c.[3] Quhairvpoune, na Dome is pronunceit aganis hir as ȝit. Oure Will is heirfoir, and we charge ȝow, that incontinent efter the ſycht heirof, ȝe pronunce the Dome aganis hir, for the ſaidis crymes, according to the lawis of our realme and Actis of Parliament: That is to ſay, that ſcho ſall be tane to the Caſtel-hill of the burcht of Edinburgh, and thair bund to ane ſtaik beſyde the fyre and wirreit þairat quhill ſcho be deid; and þairefter hir body brunt in the ſaid fyre, and all hir movabill guidis eſcheted to our vſe as convict of the ſaidis crymes. As ȝe will anſuer to ws vpoune ȝour office and obedience. Quhairanent thir preſentis ſall ſerve ȝow as ſufficient Warrand. Subſcryuit with our hand, at Halyrudhous, the tent day of Maij, 1591.

(Sic ſubſcribitur) 'JAMES R. J. Cancellarius.'

'Dome' was pronounced accordingly, 'be the mouth and declaratioune of William Gray, Dempſtar of the ſaid Court.'

Eftir pronounceing of the quhilk Dome, the ſaid Barbara declarit that ſcho was with barne; and thairfoir alledgeit, that na executioune of the ſaid Dome culd

[1] Haunting, frequenting the society. [2] Dowblet? [3] Here the verdict of the Assise is inserted.

be vſit aganis hir, quhill ſcho was delyuer of hir birth;[1] and thairvpoune aſkit inſtrumentis.

Rapt and Raviſhing — Forcible Abduction.

May 27.—ROBERT CARNECROCE callit *Mekle Hob*, Robert Ramſay in Cummiſlie, Quintene Bouſtoune in Edinburgh and Johnne Wallace in the Camogait.

Dilatit of airt and pairt of the Rapt and Raveiſching of Jeane Ramſay Lady Warreiſtoune, aganis the Actis of Parliament and lawis of this realme maid thairanent; committit the xix day of March laſtbypaſt.

PERSEWARIS.

Jeane Ramſay Lady Warreiſtoune, George Ramſay apperand of Dalhouſſie, Mr D^d^ M^c^Gill, Aduocat.

PRELOQUITOURIS for the pannell.

Mr Johnne Cramond, Johnne Home ʒounger of Coldinknowis, Andro Ker, brother to the Lord of Newbottill, Johnne Wallace of Craigie, Nicoll Cairnecroce of Calfhill.

Continued to the Juſtice-aire of Edinburgh and Jedburghe, *reſpectiue*, 'Tertio Itineris, vel xv dierum. Plegio, Nicolao Carnecroce de Calfhill, pro omnibus.'

[*Mr Johnne Grahame and Mr Vmphrey Blynschelis, Justices-Deputes.*]

Wilful Error on Assise — Acquitting a Witch.

Jun. 7.—JOHNNE MOWBRAY, merchand burges of Edinburgh,[2] and eleven others, being the majority of jurors upon Barbara Naipar's Aſſyſe.

Dilatit of manifeſt and Wilfull Errour committit be thame, in acquitting of Barbara Naipar ſpous to Archibald Dowglas, brothir to the Laird of Carſchoggill, of the poyntis of Treſſoune and Wichcraft, vnder writtin.

PERSEWAR, Mr Danid M^c^Gill of Cranſtoun Ryddell, Aduocat to our ſouerane lord.

The ſamin day, the perſonnes on pannell dilatit and accuſit be dittay contenit in our ſouerane lordis lettres, purcheſt att the inſtance of the Aduocat aganis them, and produceit be him in Judgement; quhairof the tennour followis.

DITTAY *againſt the Aſſiſors on Barbara Naipars Inqueſt.*

JAMES, be þe grace of God, &c. That quhair, Barbara Naipar ſpous to Archbald Dowglas, wes vpoun þe aucht day of Maij I^m^.V^c^.lxxxj ʒeiris, accuſit in ane Court of Juſticiarie, haldin in þe Tolbuith of Edinburgh, ffor ſeiking help, reſpons and conſultatioune, att Rychard Grabame, notoure and knawin Nigromancear, ane commoun abuſar of þe peopill, baith aganis þe will and ordinance of God

[1] Home of Godscroft says, that 'nobody inſiſting in the perſute of her, ſhe was ſet at libertie.'
[2] It may be noticed, that the minority of this 'Aſſyſe' consisted of, the 'Maiſter of the Ail-fellar,' the 'Crilman to his Maieſtie,' and David Seytoun in Fowlſtruthir, probably his brother or relation.

and Actis of Parliament and law of þe countrey: And ſpeciallie, fforſamekill as, during our ſouerane lordis being att þe Brig of Die, before the commoun bell rang, for feir the Erll Bothwell ſould haif enterit in Edinburgh, ſcho declarit to þe ſaid Rychard, that ſche hard ane woman ſay, that our ſouerane lord wald gett ſkaith be ane taid or gangrell; and deſyrit of him, quhat he thocht þairof, and that he wald ſchaw to hir his opinioune þairof the morne; quha conſultit with þe Spreit[1] þairanent, and reſſauit be his reſpons, that his Maieſtie wald be trublit be conventioun of wemen, throw þe dropping of ane taid: and als, Rychard lauching vpoun hir, declairit þair, att þat ſamyn tyme, that ſcho, Effie M^c^Calʒan and Donald Robeſoune ſould be thre of þe doaris of itt: quhilk quhen ſcho hard, ſcho ſchuik hir heid: Quhilk wes affermit be þe ſaid Richard Grahame, in hir and the ſaidis perſounes preſens. And ſiclyke, the ſaid Barbara wes accuſit, that ſcho gaif hir preſens, in þe maiſt develiſch and treſſonabill Conventioune, haldin be hir and hir complices in þe Devillis name, vpoun Lambmes-ewin laſt, att þe New-heavin callit Aitchcſounes-heavin, betuix Muſſilburcht and Preſtoune pannis, fin his Maieſtie come furth of Denmark; quhair war aſſemblit nyne principallis, to witt, Agnes Sampſoune, Jonett Straittoun, Ewfame M^c^Calʒeane, hir ſelff, Johnne Fiene, Robert Greirſoun, George Moitis wyffe in Preſtoune, Margrett Thomſoun in Striniling and Donald Robeſoune; quhilkis nyne perſounes, the Devill, quha wes with þame in liknes of ane blak man, thocht maiſt meit to do þe turne for þe quhilk thay wer convenit; and þairfore, be ſett þame nyne nerreſt to him ſelff, in ane cumpany; and thay, togidder with þe wyffe of Saltoune-myle and þe reſt of þe inferiouris, to þe nowmer of threttie perſounes, ſtandand ſkairſe þe lenth of ane buird frae þe foirſaid nyne perſounes, in ane vthir cumpany; Agnes Sampſoune proponit þe diſtructioune of his hienes perſoune, ſaying to þe Dewill, 'We haif ane turne ado, and we wald fayne be att itt gif we could, and thairfore help ws to itt.' The Dewill anſuerit, he ſoud do quhat he could, bott itt wald be lang to, becauſe it wald be thoirterit;[2] and he promeſit to hir and þame ane pictour of walx, and ordenit hir and þame to hing, roiſt and drop ane taid, and to lay þe droppis of þe taid, mixt with ſtrang waſch,[3] ane edder-ſkyn,[4] (and) the thing in þe foirheid of ane new-foillit foill, in his hienes way, quhair his Maieſtie wald gang inowre or outowre, or in ony paſſage quhair itt mycht drop vpoun his hienes heid or his body, for his hienes diſtructioune, that ane vther mycht haif rewlit in his Maieſties place, and þe ward[5] mycht haif gane to þe Dewill. Att þe quhilk conventioune, his hienes name wes pronunceit in Latine; and Agnes Sampſoun wes appointit to mak þe pictour and to gif it to the Dewill to be inchantit, quhilk ſcho maid in deid, and gaif itt to him; and he promeſit to giff it to þe ſaid Barbara and to Effie M^c^Calʒan, att þe nixt meting, to be roiſtit. Mergarett Thomſoun wes appointit to dropp þe taid. Thair wes ane appointit to ſeik ſum of his hienes linning clathis, to do þe turne with. And Gelie Duncan, vpoun þe fyſtene day of December laſtwas, in þe ſaid Barbareis face and Effie M^c^Calʒanis, avowit on þame baith, att þe fyrſt ſycht, ſche ſaw hir eftir hir cuming to þe Abay, and before ſche had ſpokin thre perſyte ſpeicis afoir hir, affermit that Agnes Sampſoune mett with hir and þe ſaid Effie, in þe ſaid Barbareis awin hous; and the ſaid Gelie Duncan and Beſſie Thomſoune being þair alſo, togidder with Johnne Fiene, quha ſaid to Gelie, that he wald ga Weſt to his fader, and eikit forder, that thair wes ane taid hingand be þe helis thre nychtis, and droppit betuix thre oiſter ſchellis and nyne ſtanis, ſottin thre nychtis; att quhat tyme na man luikit or ſuſpectit to haif hard ony ſic thing: As the particular Depoſitiounes of þe ſaid Donald Robeſoune and Jonett Straytoun, quha conſtantlie abaid att þe famin, quhilk wes repetit be þe Aduocatt; the Depoſitiounes of Gelie Duncane and Rychard Grahame, ewerie ane for þair awin pairtis and circumſtances, being confrontit togidder, manifeſtit and maid playne. And ſiclyke, the ſaid Barbara wes accuſit, that ſche gaif hir bodelie preſens vpoun Alhallow-evin laſtwas, 1590 ʒeiris, to þe frequent conventioune haldin att þe Kirk of North-Berwik, quhair ſche danceit endlang þe Kirk-ʒaird, and Gelie Duncan playit on

[1] *Par excellence*, the Devil. [2] Thwarted, frustrated [3] Stale urine. [4] The skin of an adder. [5] For *warld*, world; perhaps it may be used in the literal sense, *ward*, rule, or government.

ane trump, Johnne Fiene, miſſellit,[1] led þe ring; Agnes Sampſoun and hir dochteris and all the reſt following þe ſaid Barbara, to þe nowmer of ſevin ſcoir of perſounes; of þe quhilk nowmer, wes Effie McCal3an, Katherene Gray, Mergarett Aicheſoun, Donald Robeſoun, Robert Greirſoune, Katherene Wallace, Meg Bogtoun, Jonett Campbell, Jonett Logane, Johnne Gordoun *alias Gray-meill*, the portaris wyffe of Seytoune, Jonett Straytoun, Beſſie Thomſoune, Catherene Duncane, Beſſie Wrycht, Iſſobell Gylloun, Johnne Ramſayes wyffe, Anny Rycheſoun, Jonett Gall, Nicoll Murrayes wyffe, tail3eour, Criſtian Keringtoune alias *Likkit*, Maſie Aicheſoune, Marie Paterſoune, Alexander Quhytelaw, Marioun Nicolſoun, Marioun Bail3ie, Jonett Nicolſoun, Iſſobell Lauder, Helene Quhyte, Margrett Thomſoune, Marioune Schaw, Helene Lauder, Malie Geddie, Duncan Buchquhannane, Marioun Congiltoun, Beſſie Cowane, Beſſie Broune, the ſmythis wyffe, Thomas Brounhill and his wyfe, Gilbert McGill, Johnne and Catherene McGillis, with diuerſe vtheris, to þe nowmer aboue writtin: Att þe quhilk place and tyme, the wemene maid fyrſt þair homage, and wer turnit ſax tymes widderſounes about; Johne Fyen blew vp þe Kirk durris, and blew in þe lychtis, quhilkis wer lyke mekill blak candillis, haldin in ane auld mannis hand, round about þe pulpett. And þe Dewill ſtart vp in þe pulpett, lyke ane mekill blak man, with ane blak baird ſtikand out lyke ane gettis[2] baird; and ane hie ribbit neiſe, falland doun ſcharp lyke the beik of ane halk; with ane lang rumpill; cled in ane blak tatie goune; and ane ewill favorit ſcull bonnett[3] on his heid; haifand ane blak buik in his hand, callit on ewerie ane of þame, deſyring þame all to be guid ſerwandis to him, and he ſould be ane guid maiſter to þame, and thay ſould haif anewch and newer want. For Robert Greirſoun and Johnne Fien (thay) ſtuid on his left hand; and the ſaid Robert ffand grit fault with the Dewill, and cryit out, that all quhilkis wer beſyd mycht heir, becaus his hienes pictour wes nocht gewin þame, as wes promeſit; the ſaid Effie McCal3an remembrand and bidand þe ſaid Robert Greirſoun to ſpeir for þe pictour, meaning his Maieſteis pictour, quhill ſould haif bene roiſtit. Robert Greirſoun ſaid thir wordis, 'Quhair is the thing 3e promeſit?' meaning þe pictour of walx, dewyſit for roiſting and vndoing his hines perſonne, quhilk Agnes Sampſoune gaif to him; and Robert cryit to 'haif þe turne done;' 3it his hienes name wes nocht nameit, quhill[4] thay that wer wemen nameit him; craifand in playne termes his hienes pictour. Bot he anſuerit, 'It ſould be gottin þe nixt meitting, and he wald hald þe nixt aſſemblie for þat caus the ſoner: It was nocht reddie at þat tyme.' Robert Greirſoune anſuerit, '3e promeſit twyis and begylit ws.' And foure honeſt-like womene wer very erniſt and inſtant to haif itt: And the ſaid Barbara and Effie McCal3ane gatt þan ane promeis of þe Dewill, that his hienes pictour ſould be gottin to þame twa, and that rycht ſone: And þis mater of his hienes pictour wes þe caus of þat aſſemblie. In takin quhairof, the Dewill commandit þe ſaid Barbara and all her cumpany, to keip his commandementis; quhilk wer, to do all the ewill thay could: Alſo, thair wes þane thre deid corps tane vp and juntit; the naillis and juntis wer pairtit amangis þame. The Dewill commandit þame to keip þe juntis vpoun þame, quhill the ſamin dryit; and than to mak powder þairof, to do ewill with. Eftir þe quhilk, thair homage being made, as the faſſoun is, in kiſſing of þe Devillis ers, thay pairtit for þat tyme, without ony mair done; except, that Effie McCal3ane, Robert Greirſoune and the ſaid Barbara, hapnit to be nameit þair; quhilk offendit all þe cumpany: And that thay ſould nocht haif bene nameit with þair awin names; Robert Greirſoun, to haif bene callit *Rob the rowar;* Effie to be callit *Cane;* and the ſaid Barbara, to be callit *Naip*. And trew this is, and provin be Donald Robeſoun, Jonett Straittoune, Gelie Duncan and Beſſie Thomſoune, quha ar 3it on lyffe. QUHILK, being putt to þe knawlege of ane Inqueiſt; thay nochtwithſtanding, vpoun þe nynt day of þe month and 3eir of God foirſaid, Clengeit and Acquit, be favour and partial meanis, the ſaid Barbara Naipare. That, forſamekill as, during his Maieſteis being att þe Brig of Die, the day before þe commoun bell rang, for feir the Erll Bothuell ſould haif enterit in Edinburghe, ſche declarit to þe ſaid

[1] Disguised, muffled, masked. [2] Goat's. [3] An *ill-faured*, or ugly sort of skull-cap; a dress which fitted closely to the shape of the head, chiefly worn by judges and lawyers. [4] Until.

Rychard Grahame, that ſche hard ane woman ſay, that þe King wald get ſkaith be ane taid or gangrell, &c.[1] Quhairthrow thay, and ewerie ane of þame, could pretend na ignorance; att þe leiſt, nethir of law nor conſcience could haif acquit hir þairof; the ſamin being verifeit, be þe conſtant aſſertioun and Depoſitoun of ane pairt of þe witneſſis being preſent in Judgement for þe tyme, as is aboue writtin, and be þe Depoſitiounis of þe vthir pairt produceit: And þairfore, did manifeſtlie and wilfullie err, contrar þe lawis and prattik of þe realme; Incurrand þairby the horribill cryme of Perjurie, *et penam temere jurantium ſuper Aſſiſam.*

And thay, being requyrit be the Juſtice, HIS MAIESTIE being ſittand in Judgement, quhidder thay wald abyde the tryell of the law and of ane Aſſyſe for the ſaidis crymes, or cum in will thairfore? Eftir lang deliberatioun and conſultatioun, thay refuſit to abyde the tryell of ane Aſſyſe thairfore; bot come *simpliciter* in his hienes will, for Ignorant errour committet be thame, in acquyting of the ſaid Barbara, of the crymes and poyntis of Dittay aboue reherſit.

SENTENCE. Quhilk will, HIS MAIESTIE publictlie, in Judgement, in preſens of his hienes Lordis of Secreit Counſall, declarit to be, That he, underſtanding that it wes nocht Wilfull Errour thay committit, in acquyting in maner foirſaid; and thairfore Ordenit, that the foirſaidis perſounes and ilk ane of thame ſalbe Aſſoilzeit fra all penalties in body, guidis or fame, in tyme cuming,

Vpoune the declaratioune of the quhilk will, thay and ilk ane of thame aſkit act and inſtrument.

Treasonably Conspiring against his Majesty's life—Witchcraft—Sorcery—Murder, &c.

Jun. 9.—EWFAME MAKCALZANE,[2] (of Cliftounhall,) ſpous to Patrik Makcalzane *alias Moſcrop.*

[EWFAME MAKCALZANE, the subject of the following remarkable Trial, was only daughter and heiress of Mr Thomas Makcalzane Lord Cliftounhall, one of the Senators of the College of Justice; a person distinguished alike for his general erudition and attainments, by the depth of his legal knowledge, and by his talents as a statesman. As this family is now extinct, and considerable curiosity must naturally be felt regarding the parentage of so extraordinary a character as Effy Makcalzane, the Editor has made some investigation in the public Records, where alone any traces are now to be found; and he hopes that the following brief notices will prove not unacceptable.

Mr Thomas Makcalzane had early followed the profession of the Law, and had, before the year 1556, entered as an Advocat. On Nov. 10, 1556, through the powerful interference of Mary of Guise, Queen Regent, the Magistrates and Town Council of Edinburgh were constrained to deprive him of his office of Assessor for the City, 'for evill, heich and vnpleſand langage to hir grace,' in the discharge of his official duties; most probably, for the independent manner in which he had pleaded the rights of 'the Good Town. Nothing daunted, the Assessor protested against this decree, and, after the lapse of a few months, was restored, by command of the Queen Regent, Jun. 5, 1557.[3] He was

[1] Here the evidence is recapitulated [2] Called Effy (the familiar abbreviation for Euphemia), by Sir James Melville in his Memoirs, and by other contemporary writers. [3] Liber Statutorum Burgi de Edinburgh.

'infeft' in the lands of Cliftonball, anno 1557, when he is designed, 'M. Thomas Macalȝeane, advocatus, burgen. de Edinburghe.'[1] 'Maifter Thomas Macalȝane of Cliftounhall' was appointed one of the Ordinary Lords of Session, under the style of Lord Cliftounhall, Oct. 20, 1570, on the demise of Henry Balnavis, Lord Hallhill. He obtained Letters of Remission, (apud Leith, May 2, 1572,) for his treasonably assisting James late Earl of Arran, and George late Earl of Huntlie, in detaining the burgh of Edinburgh against his Majesty. On Jul. 25, 1578, he was nominated by the Estates of Parliament to be one of the Commissioners 'to treat vpoun the Lawes.' And on the same day he was appointed one of the Commissioners, with the Earls of Buchan and Ruthven, &c., to 'decyde in ane caus betuix the Gordounis and the Forbeffes'—a deadly feud then subsisting between these families and their retainers. 'Honorabilis vir Magifter Thomas Macalȝeane de Cliftounhall, unus Senatorum Collegij Jufticie,' Dec. 1, 1578, constituted his only lawful daughter Euphemia Macalȝeane his executrix and his assignee, to redeem the lands of Cliftounhall from Henry Macalȝeane, advocate.[2] Dec. 4, 1584, Mr Henry Makcalȝeane, advocate, is 'retoured' as heir to William his brother, in the ten merk land of the town and lands of Carkettle, in the barony of Prestoun and shire of Edinburgh. 'The 24 of Junij (1591), Euphane M'Kalȝen ves brunt for Vitchcrafte,'[3]—'as a notorious Vitche.'[4]

At what date Lord Cliftounhall died, the Editor has not been enabled to determine precisely,[5] and the investigation might occupy much more time than he can at present command, or than the importance of the enquiry demands; but, as his lordship was succeeded in his office of an Ordinary Lord of Session by John Lindsay, parson of Menmure, Master of the Metals, &c., who took his seat as a Judge, Jul. 5, 1581, he had probably died during the preceding month.

The sentence against Ewfame of course carried along with it a forfeiture of her Estates of Cliftounhall, &c. as well as her movable effects, on account of the treason of which she had been found guilty. She left three daughters[6] by her marriage with Patrik Makcalȝeane, alias Moscrop, who was son and heir-apparent of Mr John Moscrop, advocate,[7] a person of considerable eminence in his profession. Her husband took the name of Makcalȝeane, at the request probably of his father-in-law, or in compliance with the entail of the estate. These ladies, Martha, spouse of Mr David Ogilbie, Elizabeth, and Ewphame, spouse of Henry Sinclair of Quhitekirk, were formally Rehabilitated by Act of Parliament, his Majesty being 'tuichit in honour and confcience,[8] and now being of mynd that the faid foirfaltour and convictioun fuld onnawyis hurt or prejuge hir pofteritie.' The Act of Rehabilitation, dated Jun. 5, 1592,[9] accordingly restored them to the estates belonging to their deceased mother and grandfather, burdened with a payment of 5000 merks to Patrik Makalȝeane their father, 'payit and delyuerit be the faid Patrik to our faid fouerane lord and his hienes donatour, for the Gift of Forfaltour of the faid vmq^le Ewfame.' The King, however, clogged this act of grace with a very unpalatable reservation; for the lands of Cliftounhall were expressly reserved to his favourite, Sir James Sandelandis of Slamanno, knight, and to his heirs, to whom his Majesty had previously gifted that valuable property; and all action, which the deceased had against Mr Henry Macalȝeane for the redemption thereof. These heiresses-portioners therefore could reap but little benefit from the succession; and

[1] Protocol-book of James Harlaw, Notar Public, from 1549 to 1585, in the General Register House. It was at this period by no means unusual for Advocates, Writers to his Majesty's Signet, and Notaries, to become burgesses of Edinburgh; but whether this was a necessary step, towards the exercise of their profession within the burgh, the Editor has not been able to determine. He is rather inclined to think it was a voluntary act; and that the reason of such persons purchasing the freedom of the burgh, was, that they might confer a right upon their descendants to become burgesses upon easier terms, and to obtain for themselves other civic privileges. [2] Probably his brother. See Harlaw's Protocoll. [3] *Burrell's Diary*, p. 26. [4] *Marjoribank's Annals*, p. 55. [5] He 'died in the year 1581.' *Law's Memorialls*, p. 33. [6] Besides these daughters who survived her, she had at least two sons; 'Thomas,' mentioned at the commencement of the Trial, and another son, mentioned in article 18 of the Dittay. The means she used for 'helping' them, probably cut them off in early infancy. [7] On Dec. 2, 1573, Mr Johnne Moscrop, advocat, Katharine Lytill his spouse, and *Patrik Moscrop (alias Makcalzeane)*, his son and heir-apparent, got Remission for their treasonably being present at the field of Langside, May 13, 1568. [8] No wonder! [9] *Acta Parl.* 1592, cap. 132, fol. 608.

the estate having passed to the family of Sandilands, and no male heirs existing, the name of Makcalȝeane of Cliftonhall became extinct. On Sep. 25, 1596, Ewfame the daughter was retoured, as heiress-portioner to her deceased grandfather, in certane small annualrents, payable out of some tenements in Edinburgh.

That a person, moving in the rank of society which Ewfame Makcalȝean occupied, should have leagued with the obscure and profligate wretches who figure in the Trials for Witchcraft at this period, for the destruction of her sovereign, and that too by such unlikely and absurd means, seems irreconcilable with any ideas of sanity which can now be formed. It is evident, however, that she *believed* herself, as well as her associates, to be possessed of supernatural powers; and that she had the firmest reliance in infernal agency. The only reason which can be assigned for such frantic and detestable conduct seems to be, that she was devoted to the ancient Roman Catholic faith, and thus bearing personal hatred against the King and the Reformed Religion; she was besides a zealous partisan of Bothwell, and proved herself capable of using every means which he might suggest, or which she herself perversely considered to be most calculated to advance his interests and the predominance of her party. It is worthy of remark, that three days before Ewfame's cremation, Bothwell 'brak out of the Castell of Edinburghe, quha had beine ther, in prisone, some 20 dayis befor, *for alledgit Vitchcraft and consulting with Vitches, especially vith ane Richard Grahame, to conspyre the Kingis death;* and upone the 25 of Junij,[1] the said Earle Bothuell wes forfaulted, and intimation made therof, by opin proclamation at the crosse of Edinburghe.'[2] It is known that Bothwell had much traffick with Witches, and was himself esteemed an expert Necromancer.[3]]

Dilatit of certane tressonabill Conspiraceis interpryfit be Wichcraft, to haif destroyit oure souerane lordis persoune, and bereft his Maiestie of his lyffe be that schameful and extraordinar meanis: And being airt and pairt thairof, vpoun the counsall (and) consultatioun with diuerse vtheris Wichis of hir societie: And diuers vtheris crymes of Wichcraft committit be hir, att lenth specifeit in the Dittay maid thairvpoune.

Persewar.

Mr Dauid M^c^Gill of Cranstoun-Ryddell, Aduocat to our souerane lord (for his hienes interest.)

Preloquitouris for the pannell, Mr Johnne Moscrop, Mr Dauid Ogilvie, Robert Ker in Duddingstoune, Henry Nisbet, burges of Edinburghe, Mr Johnne Russell, Mr Johne Skene, Aduocatis.

Comperit the said Mr Dauid M^c^Gill, Aduocatt, and produceit ane Dittay, maid att lenth, aganis the said Ewfame; and contractit in thir heidis vnderwrittin, to be putt to the knawlege of ane Assyse: Quhairof the tennour followis.

Dittay *against Ewfame Mackalzane.*[4]

Ewfame M^c^Calȝane, Ye ar indytit and accusit, (1.) For airt and pairt of the bewiching of Michell Marioribankis, be strykeing of him be Wichcraft, with ane extraordinar diseis, be taking of the power and habilitie of his rycht syde, arme and leg fra him; be youre selff, and your complices be your moyane; committit in Apryle 1577.—(2.) Item, Indytit, for consulting with Catherene

[1] The day of Ewfame's execution. [2] *Birrell's Diary*, p. 25. [3] *Law's Memorials*, p. xliii. *Spotswood*, &c. [4] This is stated to be only an abstract of the Dittay, and 'contractit in thir heidis.'

Campbell, ane Erſch womane, knawin to be ane notorious Wich; and intertinneing hir in your awin hous and Barbara Touris hous, ſeiking help of hir to youre bairnis; ſpeciallie to help youre ſone Thomas, be youre airt; to quhome ye ſend his ſark to that effect, with Helene Inglis your ſeruand, and twa xxx f. pecis, for hir help.—(3.) ITEM, For conſulting with the ſaid Catherene, anent the bewiching and ſlauchter of Patrik Moſcrop, your huſband, quhairby ye mycht gett ane vtheir guidman; and conſulting with hir, quhome ye ſould marie.—(4.) ITEM, Indytit, of airt and pairt of the traffiking with Agnes Somervall, ſpous to Gilbert Anderſone in Dunfermling, ane commoune trafficquar with Wichis; inquyring of hir, 'Gif ſche knew ony wittie or ſkilfull wemene in the countrey, that will owthir caus your huſband love yow, or ellis gett your will of him;' to quhome ye gaif twa fair cleane ſarkis of your huſbandis, to be careit owre the walter,[1] to be inchantit be thame, att the ſame tyme your huſband fell in ſeiknes. Quhilkis ſarkis, ſche tuik with hir to that effect; and brocht hame agane be hir, inchantit: And thairby, ſeiking help, reſpons and conſultatioune of Wichis, to the diſtructioune of your ſpous, be Wicheraft.—(5.) ITEM, Indytit, of airt and pairt of the poyſouning of the ſaid Patrik Moſcrop, your huſband, vpoun deidlie malice contractit aganis him, the fyrſt yeir of your mariage; be gewing to him of poyſoun, and cuiſt the reſt thairof in the cloſett; quhairby his face, nek, handis and haill body, brak out in reid ſpottis: Quhilk poyſoun wes expellit be his youth. And ſeing the ſame twke na effect, as ye dewyſit, ye ſtill continewand in your vndewtifull behaviour and impatience to ſee him on lyffe, quhom ye preiſſit be all meanis poſſibill to cutt away; the ſaid Patrik being wereit of his lyffe, be the daylie truble he had in youre cumpany, wes compellit, for faulftie of his lyffe, to expone him ſelff to the ſeais, and to pas to ffrance in youre defalt. Lyke as, ye, to be quyte of him, ſparit nocht, in all pairtis, to ſeik ane hundreth crownis, for his furnitour[2] away; and ſpairit nocht ſpeik, that your guidman wes paſſand to France, and baid 'the ffeind ga with him!'—(6.) ITEM, Indytit and accuſit, that increſſing in youre dewelifche conſultatioune with Wichis, to the wrak and diſtructioun of the ſaid Patrik your huſband, and efter he had returnit out of France, ye, ſtill invying his health, and ſeiking to diſtroy him be Wicheraft foirſaid; ye ſend your ſaid huſbandis dowblett, with Joſias Coupar your ſeruand, airlie in the morning, to Catherene Campbell the Wich-wyffe, duelland in the Cannogait; quhilk dowblett the ſaid Wich ſprinklit with blude, and inchantit it with vtheris forcereis, and randerit itt agane to the ſaid Joſias your ſeruand; quhilk be brocht hame, afoir his maiſteris ryſing: Eftir the quhilk, your huſband contractit ane heavie diſeis, and pynit thairin

[1] Water, a word frequently used in MSS. of this period.

[2] His outfit and furnishing for his voyage.

mony monethis; quhilk wes na naturall ſeiknes, as wes teſtifeit and declarit be the cherurgeanis. Lyke as, the ſaid conſultatioun wes reveillit thaireftir, be the ſaid Joſias your ſeruand, for the diſcharge of his conſcience; and he, for that caus, paſt aff the countrey to Danſkin.—(7.) Item, Indytit, that to mak hir (yow) perfyte and weill ſkillit in the ſaid airt of Wichcraft, ſche (ye) cauſit ane vther Wich, quha duelt in Sanct-Ninianis-raw, inaugwrat yow in the ſaid craft, with the girth of ane grit bikar, turnand the ſame oft owre your heid and nek, and oftimes round about your heid; quhilk wes reveillit be Marioune Love, dochter to Catherene Lyell younger, to the ſaid Katherene hir moder.—(8.) Item, Ye ar indytit, that ye, haiſing conſauit ane deidlie malice aganis the ſaid Catherene and Walter Scott hir ſpous, for declaratioun of youre inawgwring foirſaid, ſene and perſavit be the ſaid Marioun Love; ye, be youre airt of Sorcerie and Wichcraft, bewichit hir and hir huſband, in thair bodeis, guidis and geir: And ſwa, for airt and pairt of bewiching of the ſaid Catherene Lyell and Walter Scott, in thair bodeis, gudis and geir, to thair grit ſkaith and heirſchip.—(9.) Item, Indytit, of bewiching, be your airt of Sorcerie, of vmq^le^ Johnne Yonſtoune, ſone to Williame Yonſtoune, your huſbandis ſiſter ſone, being ane young man of xvij yeiris of aige; be the quhilk Wichcraft he deit: And ſwa, for airt and pairt of the crewall Slauchter and Murthour of him; only, for reveilling of your vndewtifull behaviour to youre huſband, he being familiar in your hous; as the takinnis contenit in the ſaid Dittay att mair lenth verifeis.—(10.) Item, Indytit, that ye, haiſing conſauit ane deidlie malice aganis Jonet Cokburne, dochter to Johnne Cokburne, maltman in Hadingtoune, for the doun-bringing of your purs, belt, glas and claithis, out of the chalmer, and haiſing laid doun the ſame vpoun the buird,[1] your huſband tuik vp your ſaid purs, and wald haif opnit itt; but opnit it nocht: For the quhilk, ye ſaid to the ſaid Jonett, 'Weill, madin, haif ȝe lattin þis be done? ȝe ſall repent itt fra ȝoure hairt.' Catherene Carrutheris alias callit *Eriſch Jonett* and ye, laid in hir way and paſſage, ſic inchantit mwildis[2] and powder, that in ſchort ſpace thaireftir, thair came ane ſwarff[3] owre hir hairt, and ſic ane flaffing[4] in hir breiſt, as itt had bene ſum quick thing,[5] peching and panting, heaving vp hir body; quhairwith, ſche is diſeaſit half ane hour, ewerie tyme ſche takis itt; oft in the nycht and oft in the day; continewing ſumtymes half ane day; haiſing mair ſtrenth nor hir accuſtummit maner, in tyme of hir health: And ſwa, for laying of muldis and powder be Wichcraft and Inchantment, in the ſaid Jonett Cokburnis gait; be the quhilk, ſche conſauit ane ſeiknes, and wes mekill trublit thairwith, and is yit, be your airt and Wichcraft—(11.) Item, For the crewall Slauchter

[1] Table. [2] Earth taken from dead men's graves, &c. See Jan. 27, 1590. [3] Swooning. [4] Palpitation of the heart. [5] Live.

and diſtruction of vmq^le Ewfame Punfray be Wichcraft.—(12.) ITEM, For allwring, be your develiſche Wichcraft, Inchantment and Incantatioun, of Joſeph Dowglas of Punfraſtoune, to love yow; vnder culloure and cloik (of) mariage with youre dochter; and for the diſtruction of youre huſband: In taikin quhairof, ye gaif him ane craig cheinȝie,[1] twa belt cheinȝeis, ane ring, ane emirent[2] and vtheris your jewellis.—(13.) ITEM, Indytit, for the conſulting with Jonett Cwninghame in the Cannogait, als callit *Lady Bothwell*, ane auld indytit Wich of the fyneſt champ, 18 ȝeiris ſyne or thairby, for to haif poyſonit Joſeph Dowglas of Punfraſtoune, and that be ane potioun of compoſit walter, quhilk ye ſend Johnne Tweddall youre ſeruand for, to be brocht vp to Barbara Toureis hous, in ane chopene ſtoup; quhilk wes reſſauit be him, and delyuerit to the ſaid Barbara.—(14.) ITEM, Indytit and accuſit, for ſending with Jonett Drummond your ſeruand, certane Wichcraft, of deliberat mynd to haif bewichit Marie Sandelandis, ane madin, att that tyme vnder promeis of mariage to Joſeph Dowglas of Punfraſtoune, ſche being thane in the Braidſchaw; and to diſſwad hir, fyrſt, fra the ſaid promeis of mariage of the ſaid Joſeph, becaus he had gewin his promeis and faith to ane vthir gentilwoman; and that he had the glengore[3] him ſelff.—(15.) ITEM, Indytit, that be youre airt of Wichcraft, ye travellit to ſtay and imped[4] the mariage of the Laird of Punfraſtoune with Marie Sandelandis; and to that effect, directit Jonett Drummond, ſumtyme youre nwrice, with ſum of youre charmes and inchantmentis, to offend the perſoun of the ſaid Marie; quhairby, the ſaid mariage mycht haif bene ſtayit.—(16.) ITEM, Indytit, of the ſeiking help, conſultatioun and reſpons, fra Annye Sampſoun, as ane Wich, and knawin to be ane notorious Wich, for recovering of your jewellis and euidentis agane, fra the Laird of Punfraſtoune; and be frequent ſending of Jonett Drummond, your ſumtyme nurrice, to the ſaid Annye, to that effect, aboue ſewin tymes; and in the ane of the tymes, ſche raſit the Spreit, be voce and nocht bodelie; quha declarit, that the ſamin ſould be delyuerit to the ſaid Jonett Drummond, thair meſſinger ſend to ſeik the reſpons.—(17.) ITEM, Indytit, of the bewiching of twa of the Laird of Punfraſtounis bairnis, his eldeſt ſone and dochter, to the deid.—(18.) ITEM, Indytit, of conſulting and ſeiking help att the ſaid Anny Sampſoune, ane notorious Wich, for relief of your payne in the tyme of the birth of youre twa ſonnes; and reſſauing fra hir to that effect, ane boirdſtane,[5] to be layit vnder the bowſter, putt vnder your heid, Inchantit mwildis and powder put in ane peice paipar, to be vſit and rowit in your hair; and att the tyme of your drowis,[6] your guidmannis ſark to be preſentlie tane of him,

[1] Neck chain. [2] Emerald. [3] Lues venerea. [4] Hindered, impeded. [5] Bored stone, probably a Fairy-stone,—a stone having a natural hole, formed by the action of water, &c. [6] Birth-pangs or *throes*.

and laid woumplit[1] vnder your bedfeit. The quhilk being praktefit be yow, as ye had reffauit the famin fra the faid Annie, and informatioun of the vfe thairof; your feiknes wes caffin of yow, vnnaturallie, in the birth of youre fyrft fone, vpoune ane dog; quhilk ranne away and wes newir fene agane: And in the birth of your laft fone, the fame prakteis foirfaid wes vfit, and your naturall and kindlie payne vnnaturallie caffin of yow, vpoun the wantoune catt in the hous; quhilk lyke wyis, wes newir fene thaireftir.—(19.) Item, Indytit, for airt and pairt of the confulting with the faid Annie Sampfoun, for the diftroying of Mr Johnne Mofcrop, your fader-in-law, be Wichcraft, about foure yeiris fyne, or thairby: And to this effect, fending with Jonett Drummond your feruand, ane pictoure of walx, fend in ane buift,[2] inclofit within ane guife,[3] to the faid Anny; and ane feruiett with beif, woimplit about the guife; quhilk pictour the faid Annie gaif to the Dewill to be inchantit; and the famin being inchantit be him, wes fend hame agane to yow with the faid Jonett Drummond, for doing of the turne, as the faid Annie declarit that itt fould ferue.—(20.) Item, Indytit, for your develifch confultatioun with Agnes Sampfoune, pairtlie be your felff, and pairtlie be the trafquicking of your auld agent Jonet Drummond, how to be revangeit vpoun Mr Johnne M'Gillis wyffe; and refolutioun being tane with Agnes Sampfoune, ane notoure Witch, fche fend yow fum Wichcraft and Inchantments with the faid Jonett Drummond, quhilk ye caift in att Mr Johnne M'Gillis windok; quhilk wes ane bairnis aiproune and halfclaith,[4] with fum thing bund thairin: And this mater being reveillit be vthiris, your feruandis, ye caufit the faid Jonett Drummond to deny the fame, quhen itt wes laid to hir charge: Lyke as, fche hes confeffit, that fche wes daylie and nychtlie trublit with terribill fpektacles and vifiounis; as, fcho viffiblie, in ane chalmer flwre of youris, att twa eftir none, faw ane naikit man ftand in the middis of the faid chalmer, with ane quhyte fcheit about him: As alfo, Jonett Aitchefoun youre feruand, being fend att twell houris att ewin to draw ane drink, faw lykewyis ane naikit man behind hir, with ane fark; the flewis of the ferk vpoun his leggis, and the taill about his heid; quhilk terrifeit hir: Quhilk vifiounis man haif procedit of your dewilifch airt of Wicheraft: As alfo, the faid Jonett Aitchefoun wes trublit with hurchounis.[5] Quhilk Wicheraft foirfaid, wes caffin in agane, att the faid Mr Johnne M'Gillis windok; and being fund and opnit out, kythit to be ane pictour of clay, and ane portrat of Elizabeth Home, fpous to the faid Mr Johnne, fewitt in ane windeine fcheit; about the quhilk wes ane auld blak much[6] woimplit, thairin inclofit fyve clewis of findrie culloures of worfett, as of

[1] Folded up. [2] Box, chest. [3] Goose. An acceptable present, besides affording concealment from those less knowing than Anny. [4] A child's apron or pincloth, and neck-cloth. [5] Urchions, hedgehogs, Fr. *hérisson;* perhaps the term is used for imps of the Devil. [6] Mutch or cap, folded up.

blak, reid, orange, yallow and blew. Quhilkis Sorceries, Agnes Sampſoun confeſſit ye maid youre ſelff. As alſo, the ſaid Agnes Sampſoune confeſſit, that Jonet Drummond brocht to her the ſame auld much, quhilk ſcho inchantit; lyke as alſo, the ſaid Jonet Drummond hes confeſſit the careing[1] thairof to the ſaid Agnes.—(21.) ITEM, For making of ane pictour of flour and clay, for bewiching of Elizabeth Home ſpouſe to Mr Johnne M^c^Gill, and cauſing caſt the ſame in att the ſaid Mr Johnneis kiching windok for that effect.—(22.) ITEM, Indytit, for airt and pairt of the ſlauchter and diſtructioun, be your deviliſch craft of Wichcraft and Inchantment, of Lilias M^c^Calȝean, dochter to Mr Henry M^c^-Calȝan,[2] ane barne of ſex yeir auld; and that be rubbing of hir face with youre naipkin, vpoune ane Soneday eftir none; quhen ſche fell vpoune the calſey att youre cloiſe heid; quhairby ſche deit.—(23.) ITEM, Indytit and accuſit, of the conventicle had att North-Berwik Kirk, tuentie dayes before Michelmes, 1590; and thair inquyring for the Kingis pictour, gewin be Annie Sampſoun to the Dewill, to be inchantit, for the treſſonabill diſtructioun of the King.—(24.) ITEM, Indytit, for being att the Conventioun haldin at the New-heavin callit the Fayrie-hoillis, att Lambmes laſtwes, to the effect immediatlie aboue writtin. —(25.) ITEM, Indytit and accuſit, for ane Conventioun haldin be yow and vtheris notorious Wichis, youre aſſociattis, att the Brvme-hoillis; quhair ye and thay tuik the ſea, Robert Greirſoun being youre admerall and Maiſter-manne, paſt owre the ſea in riddillis to ane ſchip, quhair ye enterit with the Dewill, your maiſter, thairin; quhan, eftir ye had eittin and drukkin, ye caiſt owr ane blak dog that ſkippit vnder the ſchip, and thairby, ye hewing the Dewill your maiſtir thairin, quha drownit the ſchip be tumbling: Quhairby, the Quene wes putt bak be ſtorme.—(26.) ITEM, Indytit, for conſulting with the ſaid Annie Sampſoune, Robert Greirſoune and diuers vthiris Wichis, for the treſſonabill ſtaying of the Quenis hame-cuming, be ſtorme and wind; and raſing of ſtorme, to that effect; or ellis to haif drownit hir Maieſtie and hir cumpany, be coniuring of cattis and caſting of thame in the ſee, at Leith, and the bak of Robert Greirſounis hous.—(27.) ITEM, Indytit, for airt and pairt of the diſtructioun of ane boit, betuix Leith and Kinghorne, and threſcoir of perſounes thairin, be your conventioune be vthir Wichis, and be your and thair Wichcraft; as is notour.—(28.) ITEM, For an commoune Wich.

THE quhilk day, the ſaid Dittay being red to the ſaid Ewſame in judgement, as itt wes produceit att lenth be the Aduocatt, and drawin ſummarlie in heidis, as is aboue mentionatt: Eftir diuerſe obiectiounis maid aganis the ſamin be hir and hir preloquitouris, and diuerſe proteſtatiounis maid in hir name, and an-

[1] Carrying. [2] Advocate.

ſueris maid thairto be the Aduocat ;[1] the Juſtice ffand, be Interloquitour, that the ſaidis heidis ſould be putt to the knawlege of ane Aſſyſe : And the Aſſyſe being choſin, that ſche mycht propone hir defenſſis to the ſaid Aſſyſe.

Assisa.

James Johnſtoune of Elphinſtoune,
. . . . . Anſtruthir, younger of that Ilk,
Mr Williame Leſlie of Cunlie,
Johnne Logane, portioner of Conſtoune,
James Inglis, merchant burges of Edinburghe,
James Elphinſtoune in Bogie,
Clemmett Kincaid of the Coittis,
George Mowbray of Seyfeild,
Johnne Drummond of Slipperfeild,
James Somervall of Humbie,
Alexander Fairlie of Braid,
. . . . . Grahame of Knokdolian,
Dauid Preſtoun of Craigmyller,
. . . . . Balfoure of Baudone,
Dauid Balfour of Bello.

Interlocutor. The Juſtice-deputis, be reſſoun of diuerſe objectiounes maid be the pannell, aganis the poyntis of Dittay aboue writtin, to the Aſſyſe ; and anſueris maid thairto be the Aduocat ; and that they continewit quhill ſewin houris att ewin : Continewit the mater to the morne, in the ſame forme, force and effect as it wes thane : And cauſit incarcerat the ſaid Ewfame ; and warne the Aſſyſe to be preſent the morne att aucht houris in the morning, ilk perſoun vnder the pane of ane hundreth poundis.

(Jun. 10.)—Interlocutor. The Juſtice, be reſſoune ȝit of the objectiounis maid be the pannell aganis the poyntis of Dittay, and the Depoſitiounis of ſindrie perſounes maid for vereficatioun thairof, and anſueris maid thairto ; thay haiſing continewit quhill ſewin houris att ewin : Continewit the ſaid mater, in ſame forme, force and effect as is now ; and impreſonit the ſaid Ewfame quhill the morne ; and wairnit the perſounes of Aſſyſe to compeir the morne, ilk perſoun vnder the pane of ane hundreth poundis.

(Jun. 11.)—The ſamin day, eftir proponing of the haill obiectiounis be the pannell aganis the Dittay, and vereficatiounis thairof, and anſueris maid thairto be the Aduocatt ; the above perſounes, being choſin, ſworne and admittit, thay removit altogiddir furth of Court to the Counſal-hous ; quhair thay remanit all that nycht ; and eftir the cheſing of James Johneſtoune of Elphinſtoune Chancillar of the ſaid Aſſyſe, thay votit and reſſonit vpoune the poyntis of the ſaid Dittay ; and continewit pronunceing of thair delyuerance quhill the morne.

Articles *of* Convictioune *and* Verdict *of the Aſſiſe.*

(Jun. 12.)—The quhilk perſounes of Aſſyſe, eftir lang deliberatioune and continewance in the Counſal-hous, vpoune the reſſoning and voting vpoun the poyntis of the ſaid Ewfame M'Calȝanis

[1] It is perhaps to be regretted that no notice is preserved in the Record, of the long pleadings which occupied the whole of this and the two following days. Neither has any record been kept of the evidence adduced. Should the Depositions of the witnesses be found amongst the loose papers belonging to the Court, (which are very numerous, and have never been arranged or examined,) they shall be given in the Appendix.

Dittay; being throwchlie auifit thairwith, re-enterit agane in Court, and thair, be the mouth of the faid James Johnftoun of Elphinftoune chancillar, ffand, pronunceit and declarit the faid Ewfame, (1.) To be Fylit, culpable and convict, of confulting with Catherene Campbell, ane Erfch woman with ane fallin neife, duelland for ane lang fpace in the Cannogait heid, ane notorious Wich; and intertinneing the faid Catherene in hir awin hous, and in the hous of Barbara Toures, the relict of vmq^le James Harlaw,[1] feiking help of hir to hir bairnis; fpeciallie to Thomas hir fone, to quhome fche fend his fark with Helene Inglis hir feruand.—(2.) ITEM, of the bewiching, be hir airt of Sorcerie, of Johnne Yonftoun, fone to Williame Yonftoun, hir hufbandis fifter fone, ane young man of fewintene yeiris of aige; quhairby he deit: And fwa, for airt and pairt of the flauchter of the faid vmq^le Johnne, be the faid airt.—(3.) ITEM, of the confulting with Jonett Cwninghame in the Cannogait heid, alias callit *Lady Bothwell*, ane auld indytit Wich of the fyneft champ, auchtene yeiris fyne or thairby, for poyfoning of Jofeph Dowglas of Punfraftoune, and that be ane potioune of compofit walter, quhilk fche fend hir feruand Johnne Tueddall for, to be brocht vp to Barbara Toures hous in ane chopene ftoup; quhilk wes reffauit be him, and delynerit to the faid Barbara.—(4.) ITEM, of the feiking help, confultatioun and refpons, fra Annie Sampfoun, knawin ane notorious Wich, for recovering of hir jowellis and emdent[2] agane fra the Laird of Punfraftoune; and that, be the frequent fending of Jonet Drummond, fumtyme hir nurrice, to the faid Annie to that effect, aboue fewin tymes.—(5.) ITEM, for confulting with Annie Sampfoun ane Wich, for getting of mwildis fra hir, to be vfit be the faid Ewfame, in releif of hir payne, in hir birth of hir twa fonnes.—(6.) ITEM, of airt and pairt of the confulting with Annie Sampfoune, for diftroying of Mr Johnne Mofcrop, hir fader-in-law,[3] be Wichcraft, about foure yeiris fyne or thairby; and to that effect, fending with Jonett Drummond hir feruand, ane pictour of walx, fend in ane buift inclofit within ane guife, to the faid Annie, and ane feruiet with beiff wonmplit about the gufe; quhilk pictour the faid Annie gaif to the Dewill to be inchantit; and the famin being inchantit be him, wes fend hame agane to hir with the faid Jonett Drummond, for doing of the turne; as the faid Annie declarit to the faid Jonet, that it fould ferue thairto.—(7.) ITEM, fand hir culpabill, of making of ane pictour of flowre and clay, for bewiching of Mary Home, fpous to Mr Johnne McGill, and caufing caft the famin in att Mr Johnne McGillis kiching windok, to that effect.—(8.) ITEM, culpabill, for the treffonabill Conventicill had be hir, Annie Sampfonne, Johnne Fiene and dineris vthiris, att North Berwik-Kirk, tuentie dayes before Michelmes 1590; and thair, inquyring for the Kingis pictour, gewin be the faid Annie Sampfoune to the Dewill, to be inchantit be him, for the treffonabill diftructioun of the King.—(9.) ITEM, convict of the treffonabill Conventioune, haldin be him, hir and thame, att the New-heavin, callit Aichefounis-heavin, att Lambmes laftwas I^m.V^c.lxxxx, to the treffonabill effect immediatlie aboue writtin, viz. in feiking of ane pictour, to the treffonabill diftructioune of the King.—(10.) ITEM, convict of commoune Wichcraft and Sorcerie, and vfing of the faid Wichcraft aganis findrie his hienes liegis.—(11.) AND ALS, Acquit the faid Ewfame of the haill remanent poyntis contenit in hir Dittay foirfaid, quhairof fche wes accufit.

DOOM *of Forfeiture and Sentence of Death.*

(Jun. 15.)—The quhilk day, Ewfame McCalȝane, fpous to Patrik Mofcrop alias McCalȝane, being prefentit on pannell, as fche that wes convict of before, be ane condigne Affyfe, in ane Court of Jufticiarie, haldin in the faid Tolbuith in Edinburghe, the tuelt day of Junij inftant; for the confulting with Catherene Campbell, ane Erfch woman with ane fallin neife, &c. (here the above

[1] Probably the widow of the Notary whose Protocol-book has been quoted in the Notice prefixed to this Trial. [2] Emerald stone. [3] He appears as one of the 'Prelocutouris' in her defence.

articles of conviction are rehearsed.)—For the quhilk crymes, the ſaid Juſticedepute ordanit the ſaid Ewfame, be the mouth of Williame Gray dempſtar, as culpabill and giltie thairof, to be takin to the Caſtel-hill of Edinburghe, and thair bund to ane ſtaik and brunt in aſſis, quick,[1] to the death: And all and ſindrie hir landis, heretageis, takis, ſtedingis, roumes, poſſeſſiounes, coirnis, cattell, guides and geir, to be forfaltit and eſcheit to our ſouerane lordis vſe.

[Another unfortunate *hiatus* in the Records of the High Court of Justiciary takes place at this period; the Books of Adjournal, from October.. 1591 to May 18, 1596, having been lost. The Editor has been at some pains in tracing the loss of this portion; and it is so far satisfactory that he is enabled to report, that this must have occurred previous to the time when Lord Fountainhall framed his MS. Abridgement;[2] which is still preserved in the Advocates' Library. That eminent lawyer leaves a blank for inserting notices of the proceedings, in case the Record should afterwards have been found; but he does not hazard any conjectures as to the time the missing volume had been taken away or destroyed. It is to be hoped that the volume may still be preserved; and that, if it has found its way into any public or private collection, it may yet be restored to the Clerk of Justiciary.

In a second MS. Collection, also preserved in the Faculty's Library, and understood to have been compiled by Lord Roystoun,[3] it would appear that the same deficiency had still existed in his lordship's time. The following memorandum is transcribed from that Abstract:[4]

'Nota. As there is no Record from October 1591 to 17th May 1596, we are deprived of what paſt in that intervall. I ſhall therefore notice what tryals are mentioned by Spotſwood, during that time.

'Firſt, he mentions, page 391, that David Grahame of Fintrie was found guiltie, and beheaded, 16 Feb. 1592, for being concerned in a Popiſh plott; the particulars whereof are there narrated, and in a printed Narrative, anno 1593, London.

[1] This was the severest sentence ever pronounced by the Court, even in the most atrocious cases. In ordinary instances of Witchcraft, the culprit was previously strangled at the stake, before being burnt. Ewfame Makealzean endured her fate with firmness and obstinacy to the last. She does no appear to have repented her crimes, but rather seems to have gloried in what she had attempted.

[2] 'Ane Abridgement of the Books of Adjurnall.' W. 1. 26. Sir John Lauder (Lord Fountainhall) was one of the fifteen Ordinary Lords of Session, appointed after the Revolution, Nov. 1, 1689. On his death, he was succeeded in his office by Andrew Fletcher, (Lord Milton,) Jun. 4, 1724, after having sat upon the bench for the long period of almost thirty-five years.

[3] Sir James MacKenzie (Lord Roystoun) was appointed an Ordinary Lord of Session on the resignation of Lord Prestonhall, (R. Mackenzie,) Jun. 7, 1710, and was succeeded by Charles Areskine, (Lord Tinwald,) Nov. 29, 1744.

[4] 'Abstract of the Books of Adjurnal,' Advocates' Library, M. 5. 14. fol. 161.

'Stewart E. of Bothwell, in Aug. or Sept. 1593, tryed and acquit of conſulting with witches againſt the King's life. Vid. Agnes Sampſon's tryal, as mentioned, page 383, in Spotſwood.

'In the Parl^t, anno 1594, the Earls of Angus, Huntlie and Errol, are forfaulted, for the ſame treaſon and Popiſh plot for which Grahame of Fintrie was forfault in Feb. 1592.

'Allan Orme, ſervant to the Earl of Bothwell, and James Cochran, keeper of Blacknefs Caſtle, execute for art and part in Bothwell's treaſon. Executed in Oct. 1594.'

In order to supply, in some measure, the want of this Volume of the Books of Adjournal, the Editor has ventured to insert in this place, rather than in an Appendix, pretty copious extracts made by him from the Records of the Privy Council of Scotland. These notices are, for the most part, necessarily taken merely in abstract. It is greatly to be wished, that the truly valuable mine of historical information contained in the Acts of Secret Council, may, through the liberality of His Majesty's Commissioners on the Public Records, be speedily published, under the superintendence of the present Deputy Clerk Register; to whose indefatigable and well-directed exertions, the restoration of the Records of Scotland is mainly to be attributed. The present state of the Public Registers, and the facilities now afforded for consulting them, would reflect honour on any country.]

(May 19, *apud Halirudhous.*)—WILLIAME MAISTER OF ANGUS and DAUID GRAHAME of Fintrie, being baith perſonallie preſent, decernit to tyne thair lyverentis, being dilaitit and accuſit, that thai had declynit fra the trew and Chriſteane Religioun, refuiſing to reſorte to the preicheing of Godis worde; and that, be reſſoning or diſperſing of buikis or lettres, thay had preſumit to perſuade his Maieſteis subiectis to declyne fra the profeſſioun of the trew religioun, and thairthrow had incurrit the pane of tinſale (loſs) of all thair mouable guidis, togidder with the lyfrentis of thair landis, &c.

(May 21, *apud Edinburgh.*)—Alexander Guthrie, fear of Kincaldrum, become actit and obleiſt as cautioner and ſouirtie to WILLIAM DOUGLAS (MAISTER OF ANGUS), eldeſt ſone lauchfull to Williame Erll of Angus, that he ſall repair to the toun of Dundee, within the ſpace of foure dayis eftir the dait heirof, and thairin remane, quhill he mak ſaill and depairt furth of this realme, within the ſpace of fourty dayis thaireftir: And that he ſall nocht returne agane within the ſame, without his Maieſteis licence obtenit to the ſame effect, vndir the pane of ten thouſand pundis.

(Sic ſubſcribitur) ALEX^R GUTHRIE appeirand of Kincaldrum.

(May 24, *apud Falkland.*)—Sir James Douglas of Drumlangrig, knicht, and his deputis, ſuſpended and diſcharged 'of all vſing of the office of Baillierie' of the regalitie of Mortoune, 'ay and quhill it be tryit quhidder he be denudit of the richt and poſſeſſioun of the ſame or nocht;' for 'cwming with convocatioun of his hienes liegis in armour, vpoun the xxvij day of Marche laſtbipaſt, to the toun and landis of Penpont, quhair Thomas Kirkpatrik of Cloſburne, Shereff-depute of Drumfreis, with his memberis of Courte, wer ſitting in jugement, in ane fenſit Courte haldin be him, and violent taking away of Johnne Wilſoun in Haghill furth of the ſaid Courte, eftir he was enterit vpoun pannell, and reddy to have vnderlyne the tryale of ane Aſſiſe, for certane crymes of thift committit be him, and ſlaying.'

(May 24.)—Proclamation againſt Niniane Chirnesyde, ſeruitour to Frances Erll Bothuill, for treaſonably conſpiring the death of the king, 'be Witchcraft, Sorcerie and vtheris traterous and diabolicall meanis.'

(Jun. 25, 1591, *apud Edinburgh.*)—Proclamation againſt 'Frances ſumtyme Erll Bothuill, that, notwithſtanding of his Majeſtys clemency, &c. in ſuperceding, as ofbefoir, the pronunceing of dome aganis him, in hoip of his converſioun, penitency and amendment, quhill now that his hienes, perſaving that he hes gevin him ſelf ower altogidder in the handis of Sathan, and that his ſpreit has ſa michtelie prevalit into him, that he yit ſtill inſiſtis, without feir of God, or reſpect to honeſtie or ſchame of the warld, to continew in all kynd of filthines, heiping treſſoun vpoun treſſoun, agani, God, his Maieſtie and this his native cuntre, euir aſſiſting ſic perſonis, be force, counſall and vtherwayis, as wer and ar innemeis to God, his hienes, and ſocht the ſubuerſioun of the trew Religioun; takand the manteinance of tratouris, murtheraris and vtheris wickit perſonis, quha, to impetrat impvnitie of thair wickit lyffis and libertie to do evill at all tymes, maid thair dependance vpoun him; he having alſna now at laſt, for the better executioun of his wickit intentioun and treſſonabill conſpiracie aganis his Maieſteis awin perſoun, had conſultatioun with Nygromanceris, Witcheis and vtheris wickit and vngodlie perſonis, bayth without and within this cuntrie, for bereving of his hienes lyff, confeſſit be ſum of the ſame kynd, alreddy execute to the deid, and ſum vtheris yit on lyve, reddie to be execute for the ſame cryme: And being wardit within the Caſtell of Edinburgh quhill he had bene tryit of the ſame, he hes now at laſt eſchopit, and ſua hes takin the ſaid treſſonabill cryme vpoun him, eftir that his hienes nochtwithſtanding had yeildit to ſum conditionis concerning his libertie: ffor the quhilk caus, and for the formar treſſonabill offence quhairof he wes convict, in maner foirſaid, his Maieſtie now at laſt hes cauſit pronunce the Dome and Sentence of fforfaltour aganis him; as the ſamyn at mair lenth beiris: Swa that preſentlie he remanis a declarit rebell,

tratour and innymie to God, his Maieſtie and this his natiue cuntrie.'—Therefore 'that nane reſſet, ſupple, ſchaw fauour, intercommoun, nor haue intelligence' with him, &c.

(Jul. 21.)—The Lords declare a certain Letter of Relaxation, in favour of COLINE CAMPBELL of GLENLYOUN, 'to have bene and to be maiſt prinelie and ſurreptitiouſlie purcheſt[1] of his Maieſtie, without his hienes priwitie or allowance; and thairfoir of nane avale, force nor effect.' And ordained the Letters of Horning, Caption, Treaſon and Commiſſion following thereupon, 'purcheſt be Dame Agnes Sinclair Counteſſe of Errole, and Alexander Gordoun of Strathdoun hir ſpous, for his intres, to be put to forder executioun in all pointis.'—On Sep. 25, 1587, Campbell of Glenlyoun was denounced rebel and put to the horn, 'be virtue of twa ſeuerall letteris raſit at hir inſtance; the ane for nocht comperance, perſonallie, befoir his Maieſties and Lordis of Secreit Counſall, to have anſuerit to ane complaint maid be hir vpoun him; and the vther for not reſtoring and delyuering to hir of certane gudis, geir, inſicht pleniſſing, jowellis, gold, ſiluer and vtheris ſpulȝeit be him fra hir, or ellis the avale and pryces thairof perticulerlie ſpecifeit and contenit in the ſaidis letteris. And becaus he remanit contempnandlie at the ſaid proces of horne vnrelaxt, the ſaid Dame Agnes purcheſt letteris, be deliuerance of the Lordis of Secreit Counſall, quhairwith ſcho cauſit charge him, and the keparis and detenaris of his duelling-houſſis reſpectiue, to rander and delyuer the ſamyn to the officiar executour of the ſaidis letteris; as alſua, to entir his perſoun in ward within the Caſtell of Blaknes, within a certane ſpace mentionat in the ſame letteris, vnder the pane of treſſoun; quhilk chargeis he maiſt proudlie and contempnandlie diſſobeyit; and thairfoir, ſcho wes forceit to crave his Maieſteis Commiſſioun for perſute of him ſelf, and aſſageing of his houſſis and ſtrenthis with fyre and ſwerd: ffor ſtaying of the executioun quhairof, he hes of lait, be the moyen of ſum ſchameles and vndiſcreit perſonis, preferring thair awin prevat gayne and commoditie to his hienes honour, maiſt priuelie, &c. purcheſt ane letter vnder his hienes ſubſcriptioun and ſignet, relaxand him fra all and quhatſumeuir proces of horne,' &c.

(Aug. 2.)—Proclamatioun for the perſute of the ERLL BOTHUILE, 'ffor reſiſting of quhais treſſonabill intentioun and practizes, repreſſing of the inſolence of thame,[2] and the brokin men ſterit vp be thame on the Bordouris, and vtherwayis to the brek of his hienes peace, and diſturbing of the quiet eſtate of the haill Ile, his Maieſtie intendis to tak the ffeildis in propir perſoun.' Charges are therefore ordained to be given to 'the erllis, lordis, baronis, fewaris, frehaldaris, landit gentilmen and ſubſtancious ȝemen, togiddir with the inhabitantis

[1] Procured, obtained. [2] Bothwell's abettors.

of burrowis, betuix ſextie and ſextene yeiris, duelland within the boundis of the Scherefdomes of Edinburgh principall, and within the Conſtabularie of Hadingtoun, Berwik and Roxburgh, alſweill regalitie as ryeltie, that thay and ilk ane of thame, weill bodin in feir of weir addres thame ſelffis to repair to his Maieſtie, at Edinburgh, vpoun the ſext day of Auguſt inſtant,' &c.

(Aug. 6.)—A 'Band' between the Lairds of Ceſfurde, Bukcleuche, Home of Broxmouth, Lauder of Baſs, Ker of Lyntoun, Douglas of Caverſe, &c. is recorded, wherein they bind themſelves to uſe their utmoſt endeavours to take Bothwell, &c.; and, amongſt other conditions, they engage to 'lay aſyde all perticular querrellis, deidlie feidis and contrauerſeis ſtanding amangis thame, and for na caus ſall ſchrink frome his Maieſteis ſeruice.'

(Aug. 7.)—His Majeſty 'finding ſum of the cheif perſonis ſuſpect culpabill in the lait diſorderit contempt to have repentit thame thairof, and quhill tryell of thair pairtes to haue voluntarle offerit them ſelffis in his hienes ward,' diſpenſes with the attendance of his ſubjects, having now abandoned the intention of *Repairing to the Borders against* Bothwell.

(Aug. 7.)—Sir Walter Scott of Branxhelme, kny[t],[1] finds Sir James Scot of Balwery, kny[t], and Williame Scot of Abbotiſhall, as ſureties, that he 'ſall dedepairt furth of this realme within the ſpace of ane moneth,' and 'not returne agane within the ſamyn during the ſpace of thre yeiris nixtocum, vnder the pane of ten thowſand pundis.'

(Aug. 29.)—Sir Walter Scott of Branxhelme, kny[t], is relieved 'of his office and charge of keping of Liddiſdaill,' 'becaus he is to depairt furth of this realme, be his hienes licence and permiſſioun, &c.

Commissioun *for Examinating of Witcheis.*

(Oct. 26. *Apud Halirudhous.*) Forsamekill as the Kingis Maieſtie, with aduiſe of the Lordis of his Secrete Counſale, hes gevin and grantit, and be þir preſentis, gevis and grantis his hienes full pouer and Commiſſioun, expres bidding and charge to his truſty and weilbelouitt counſalouris, Sir Johnne Cokburne of Ormeſtoun Juſtice clerk, Maiſter Dauid Makgill of Neſbitt Aduocat, as alſwa to M[ris] Robert Bruce and Johnne Dunkieſoun Miniſteris, Williame Litill prouoſt of Edinburgh and Johnne Arnott burges þairof, or ony three of thame coniunctlie; all and ſindrie perſonis, alſweill þame quhilkis ar alreddy convict or vtheris quhilkis ar detenit captiue and hes confeſſit, and ſum that hes not confeſſit, as alſwa all ſic vþeris as ar dilaitit, or that heireftir ſalbe accuſed and dilaitit, off committing, vſing and practizing of Witchcraft, Sorcerie, In-

[1] Several others, of lesser note, find surety to depart the kingdom at this time.

chantment and vtheris diviliſch divyſis, to the diſhonnour of God, ſklender of his worde, perrelling of þair awin ſaullis, abuſeing of þe commoun people and grite contempt of God, his Maieſtie, his authoritie and lawis: To call and convene befoir the ſaidis Commiſſionaris, or ony three of thame coniunctlie, as ſaid is, alſ-oft as neid beis, and thame to try, enquyre and examinat, thair Depoſitionis to putt in write, and the ſame to reporte to his hienes and his Counſale; to the effect þai may be putt to the knaulege of ane Aſſyiſe, and juſtice miniſtrat as aſſeiris, or ſic ordour takin with þame as to his Maieſtie and his ſaid Counſaill ſalbe thocht maiſt meit and convenient: The perſonis wilfull or refuſeand to declair the veritie to putt to tortour, or ſic vþir puniſhment to vſe and caus be vſit, as may move thame to vtter the treuth: And generallie, all and ſindrie vtheris thingis to do and vſe, that heirin is requiſite to be done: Fferme and ſtable haldand and for to hald, all and quhatſumeuir thingis the ſaidis Commiſſioneris, or ony thrie of þame coniunctlie, as ſaid is, lauchfullie do heirin.

(Oct. 28.)—'Francis Erll of Errole cheiff, James Lord Hay of Zeſter and Williame Hay of Gourdie, with the remanent kin and freindis of vm̄q^le James Hay, ſone to the ſaid Williame,' having raiſed Criminal Letters againſt ANDRO HERING of Little Blair, *Reid Johnne Hering* in Gilmertoun, *Blak Johnne Hering* in Afflekhill and James Hering in Morganſtoun and thair accomplices, for the cruel and unmerciful Slaughter and Murthour of the ſaid James Hay, in Feb. 1589, 'quhen his Maieſtie wes in Denmark; the ſaid complenaris offerrit thame reddy to haue perſewit juſtice, gif thai could haue had ony certantie to haue the ſame miniſtrat,' &c. The Earl of Errol accordingly applied for and obtained a Commiſſioun, for ſearching and bringing the murderers to juſtice. Letters of Caption were likewiſe granted, and *Black John Hering* ſecured and placed in ward, and the others put to the horn; but in the meantime, Hering obtained a Reſpite for ſeven years, in the face of theſe proceedings, of a recent Act of Parliament, and of the Kingis 'Declarationn left and publiſſit at his depairting to Denmark.' A charge was therefore given to 'Dauid Hering younger of Glaſclune, purcheſſair of the ſaid Reſpett,' to appear before the King and Privy Council, bringing with him the Reſpite, and to ſee the ſame declared null, 'or ellis to haue allegeit ane reſſonable caus quhy the ſamin ſould nocht haue been done:' And the parties appearing accordingly, 'the Kingis Maieſtie and Lordis of Secrete Counſale ffindis that thai ar nocht jugeis competent to the Reductioun and annulling of the ſaid Reſpett; and thairfoir Remittis this mater to the Juſtice general and his deputis, ordaning thame to proceid and miniſter juſtice thairin, according to the Actis of Parliament, lawis and practicque of this realme obſeruit in ſic caiſſis: And in the meantyme, that the ſaid Johnne Hering be committit to warde within the tolbuith of Edinburgh, thairin to remane

vpoun hes awne expenſſis, ay and quhill he be tryit for the ſaid ſlauchter and juſtice miniſtrat as effeiris.'

(Oct. 28.)—On the Complaint of James Lord Ogilvie of Airlie, 'that quhair he hes bene his Maieſteis faithfull and obedient ſubject, ſubmitting him ſelff alwayes to his hienes and the Lawis of the countrey, and thairby repoſing him ſelff vnder his hienes protectioun, beleving to haue reſſauit iniurie of na man; neuirtheles Archibald Erll of Ergyle and his freindis, vpoun quhat motiue or occaſioun the ſaid Lord knawis not, without ony deſerving on his parte, hauing concludit the wrack of his hous or freindſchip; and being informeit that he had reteirit him ſelff in ſobir and quiet maner, to duell and mak his reſidence in Glen-Ilay, finding the place convenient for thair interpriſe, the ſaid Erll and his freindis ſett oute certane brokin Hieland men, thay ar to ſay, Johnne Campbell bruthir to . . . . . Campbell of Lochinyell, Johnne Dow M'Condoquhy in Inuerraw, Neill Leich in Lochquhabir, Donald M'Carlich in the Laird of Glenvrquhyis landis, Allane Roy M'Moig ſone to the Laird of Glenco, Archibald Campbell of Perſie, Coline Campbell of Glenlyoun, Archibald Campbell his bruthir, Johnne M'Rannald in Lochquhabir; quha in the moneth of Auguſt laſtbypaſt, to the nowmer of ffyve hundreth men of the cuntrey of Ergyle, duelland for the maiſt parte within the ſame, and reſſett thairin, with the guidis and depredatiounes vnderwrittin, off ſett purpois and deliberatioun to haue ſlane the ſaid lord, and to haue wrackeit and ſpuilȝeit the countrey: Lyke as, vpoun the xxj day of Auguſt laſtbypaſt, thay enterit in Glen-Ilay vndir ſilence of nicht, with ſic force and violence, that the ſaid Lord, lyand ſa fer frome his freindis, vpoun ſic ſuddantie wes nocht able to reſiſt thame, bot with grite difficultie and ſchorte aduertiſment, he, his wyffe[1] and bairnis haueing eſchaiped, thay enterit in the countrey with ſic barbarous crueltie, not ſparing wyffis nor bairnis, bot murthowrit and ſlew all quhome thay fand thairin, to the nowmer of xviij or xx perſones; and ſpuilȝeit and away-tuke ane grite nowmer of nolt, ſcheip and plenneſſing, to the vtter wrack and vndoing of the haill pure inhabitantis of the cuntrey: Quhilk being maid knawin to his Maieſtie, his hienes nocht onlie cauſit ane aſſuirance to be takin betuix the ſaidis pairteis, bot alſwa directit ane ſpeciall Lettre to the ſaid Erll and his freindis, to reteir[2] the ſaidis brokin men to their awin countrey, that the ſaid Lord and his freindis wer nocht forder troublit with thame; with ane charge to thame ſelffis vndir the pane of Treſſoun. Quhairupoun the ſaid Lord and his freindis haueing dependit, hoiping to be in ſuretie thairby, and to haue reſſauit na iniurie of new, during the aſſuirance of the ſaid Erll, nor nane of his; neuirtheles the brokin men, quha maid the invaſioun abouewrittin, haue-

[1] Jean, eldest daughter of William seventh Lord Forbes. [2] Fr. *retirer*.

ing continuallie ſenſyne remanit in the hillis, and haueing conuocat vnto thame ſelffis ane grit nowmer of ſornaris,[1] quha, in the tyme of ſic aſſuirance, hoiping with ſmall travell to get geir, vilipending his Maieſties charge gevin to thame as ſaid is, and the ſaid Letteris nor perſonis foirſaidis, haueing na reſpect to his Maieſteis Letteris, thay vpoun the . . . day of September laſtbipaſt, within the tyme of the aſſuirance, vndir ſilence of nicht invadit the inhabitants of Glen-Ilay and Glen-Clova, and hes murthourit and ſlane three or foure innocent men and women, and reft and takin away ane grit pray of guidis; ſwa that the puir men duelland in Glen-Clova, Glen-Ilay and vtheris pairtis adjacent to the Month,[2] quha ar nocht able to make reſiſtance, ar ſa oppreſt be the brokin men and ſornaris houndit oute be the Erll of Ergyle and his freindis, and mantenit and reſſett be thame, that nather be his Maieſteis protectioun nor aſſuirance of the pairtye can thair lyveis and guidis be in ſuretie.'

The above-named perſons were accordingly charged to appear before the King and Privy Council, under the pain of rebellion. Lord Ogilvie appeared on the day appointed, to call them to account for theſe barbarities; but none of them having come forward, they were ordained to be denounced rebels, &c.

(Oct. 28.) . . . . . LICHTANE OF VSANE,[3] Johnne L., Archibald and Alexander Ogiluy and Johnne Smith his ſeruandis, George Ogiluy ſone to Alexander O. of Drummis, now ſeruand to James Lord Ogiluy, Williame and . . . . . O. ſonis to Johnne O. of Quheich, ... O. bruther to Innerquharritie, (and ſundry others, ſervants to the Lairds of Teiling and Balfour, &c.) were charged, 'that quhair vpoun the xvj day of Auguſt laſtbypaſt or thairby,' they, 'with convocatioun of his Maieſteis liegis, to the nowmer of threſcoir perſonis or thairby, all bodin in feir of weir with jakkis, ſpeiris, hacquebutis, piſtolettis and vtheris waponis, *invaſine*, prohibite to be worne be the lawis of this realme and actis of Parliament, off the ſpeciall cauſing, ſending, houndinq oute, command, &c. of the ſaid Lord, come vpoun vmq^le Robert Campbell in Milhorne, Williame of Souttarhous, Thomas C. portionar of Kethik and Johnne C. of Muretoun, and maiſt cruellie and vnmercifullie murdreiſt and ſlew thame, vpoun ſett purpois, prouiſioun and foirthocht fellouny, in hie and proude contemptioun of his Maieſtie, and encouragement of vtheris to committ the like ſhamefull and cruell ſlauchteris heireſtir,' &c.—The Letters raiſed were at the inſtance of 'the wyffis, bairnis and remanent kin and friendis' of the deceaſed perſons, charging the above parties to appear before the King and Council; and they not obeying the charge, were ordained to be denounced rebels, &c.

[1] Vagabonds belonging to no clan, who lived by plunder and by taking free quarters, or *sorning*, as it was termed. [2] Mountains, hill-country. Lat. *Mons*. [3] Ulysses-haven. Of this family was Robert Leightoune, Bishop of Dunblane, and afterwards Archbishop of Glasgow.

(Oct. 28.)—Bond by Robert Douglas of Casſhogill, dated Oct. 23, 1591, recorded, whereby he binds himſelf as cautioner for Sir James Douglas of Drumlanrig, kn^t^, that 'Thomas Kirkpatrik of Cloſeburne, his men tennentis and ſeruandis, ſalbe harmeles and ſkaithles,' under the pain of L.5000.

(Nov. 3.)—Robert Lord Sempill, having been charged to appear before the King and Council, 'to haue vnderlyne ſic ordour as ſould be preſcriuit, twicheing the obſeruatioun of peax, quietnes and gude reule in the cuntrey, vndir the pane of rebellioun'—and not complying, he was ordained to be denounced Rebel, &c.

(Nov. 13.)—David Edmeſtoun of Wowmatt and James Lauſoun of Humbie, become bound for Schir Johnne Edmestoun of that Ilk, that he 'be him ſelff, and all thai that he is oblift to anſuer for be the lawis of this realme, &c., ſall keip the Kingis Maieſteis peax,' &c., under the pain of L.5000.

(*Eodem die.*)—Andro Logane of Coitfeild became cautioner for George Hoppringle of Torwodlie, to the ſame effect as above, under the pain of L.2000.

(*Eodem die.*)—James Hoppringle of that Ilk and James H. of Quhytebank, became cautioners for Johnne Hoppringle of Buckholme; and Buckholme and Quhytebank for James Hoppringle of that Ilk—each under the pain of L.2000.

(*Eodem die.*)—James Douglas of Cavers, ſchereff of Teuiotdaill, became ſurety for Walter Turnbull of Bedreule, under the pain of 1000 merks.

(Nov. 17.)—Williame Cunynghame of Tourlandis denounced, for not finding caution.

(*Eodem die.*)—Patrik Cokburne, tutour of Langtoun, became ſurety for George Haitlie in Hordlaw, under the pain of 500 merks.

(Nov. 19.)—James Earl of Glencairn ordained to be charged to find caution, to the extent of L.20,000 within eight days, 'or ellis within the ſame ſpace, pas and entir his perſone in warde be-North the watter of Erne and about the burgh of Perth, and thair remane and keip warde; and on nawayis tranſcend the ſaid boundis, ay and quhill he be fred and relevit be his Maieſtie, vnder the pane of rebellioun:' And if he ſhould fail, to denounce him rebel.[1] On Nov. 24, he is again charged to paſs to ward, 'for contemptuous remaning at the horne, for none obeying of the Decrete Arbitrall pronunceit be his hienes and the Lordis of Counſale and Seſſioun, betuix the ſaid Erll and Dame Annabill Murray Counteſſe of Mar:' He is likewiſe charged, 'to rander and delyuer his houſſis of

[1] A great number find similar surety at this period. From the above excerpts, which are given as specimens, some idea may be formed of the value of the Privy Council Records, in elucidating historical and genealogical enquiries.

Kilmarannok, Findlaſtoun, Stevinſtoun, Kilmaweris and Glencairne, to the officiar executour of the ſaidis letteris,' under certification. On Dec. 15, he is charged to return a bond for L.20,000, under the pain of rebellion.

(Dec. 17.)—PATRIK LORD GRAY, being perſonally preſent, is ordained to 'bring, preſent and deliuer to his Maieſteis ſtabularis, vpoun the xij day of Januair nixttocum, his hienes awin hors, callit . . . . . ,[1] quhilk wes vnhonneſtlie tane away be James Gray ſone to the ſaid Lord, and ſumtyme ſerwand to his Maieſtie; as alſwa, to bring and preſent the ſaid James befoir his hienes, or expell him furth of this realme, betuix and the laſt day of the ſaid moneth of Januair; and failȝeing heirof, that the ſaid lord pas and entir his perſone in warde within the Caſtell of Dunbartane;' under certification.

(Jan. 12, 1591-2.)—The Kingis Maieſtie, with adviſe of the Lordis of Secrete Counſale, ffindis and declairis, that DAUID HAMMILTOUN of BOTHUELLHAUCH, (otherwiſe deſigned of Monkton mains,) Iſſobell Sinclair and Aleſoun Sinclair, heretrices-portionaris of the landis of Wodhouſlie, aucht and ſould be repoſſeſſit to the landis, houſſis, takkis, ſtedingis and poſſeſſionis whereof thay wer diſpoſſeſſit, throw occaſioun of the late trublis.[2]

(Jan. 12.)—A 'PROCLAMATIOUN *agauis thame that rydis missellit*'[3] is recorded, ſtating 'that there is diuers and ſindrie perſonis, arte and pairt-takeris with Frances ſumtyme Erll Bothuile, in the latt treſſounable CONSPIRACY attemptit within his hienes PALICE OF HALIRUIDHOUS, vpoun the xxvij day of December laſtbipaſt, for bereving of his Maieſtie of his lyffe and crowne, and that vthirwayis ar dilaitit and ſuſpect to haue bene vpoun the foirknaulege and deviſe of the ſame Conſpiracie, quhilkis nicht and day trauellis and rydis ouer all pairtis of this realme, with thair faceis couerit, and vtherwayis diſagyſit,' &c. Therefore directs Proclamation to be made, 'that nane of thame tak vpoun hand to ryde or gang nicht or day, to or fra, in ony parte of this realme, with thair faceis coverit or vtherwayes diſagyſit, in tyme cuming;' and to charge the lieges 'to tak and apprehend' all ſuch perſons; 'or, gif thay be nocht of pour ſa to do, that they ryſe ſchowte, rais the fray, follow, concur and aſſiſt ilk ane with vtheris, to the taking and apprehending of thame,' &c.; under certification.

(Jan. 15.)—John Graham of Knokdoleane and John Stuart fear of Barſcube, become ſureties for Sir JOHNNE EDMESTOUN of that Ilk, kn^t, James Edmeſtoun of Duntreith, kn^t, and James alias Jacobe Edmeſtoun of Newtoun, as principallis, for thame ſelffis, and takand the burding vpoun thame for thair haill kin, freindis,

[1] Left blank. [2] They were formally restored by Act of Par. 1609, cap. 41. See Acts fol. 450.
[3] Muffled, masked, disguised; commonly written *mussallit.* O. Fr. *emmussallé.*

ſurename,' &c. on the one part; and 'James Commendatair of Incheffray and Hary Lindſay of Kinfawnis, as cautioners for Schir James Cheisholme of Dundorne, kn^t^, as principall, for him ſelff, and takand burding for him for his haill kin,' &c. on the other part; that they ſhould obſerve the contents of certain Letters of Slains, dated Nov. 25, 1587, granted by the 'cheiff kynniſmen and freindis on the fader ſyde and moder ſyde of vmq^le^ Mungo Edmeſtoun, bruthir to James alias Jacobe E. of Newtoun,' who was ſlain within the burgh of Stirling, in Nov. 1585, 'under the pain of perjurie, infamy and tinſall of perpetuall credite, honnour and eſtimatioun, in tyme cuming; and forder, vnder the pane of 5000 merkis.'

(Mar. 8.)—A Proclamation made 'anent deſerting of the Raid appointit for perſute of the Erll of Huntlie.'

(Apr. 4, 1592.)—Proclamatioun *anent the Arrival of Spanyeartis.* 'Forſamekill as it is vnderſtand to the Kingis Maieſtie and Lordis of Secreit Counſall, that thair is certane Spaniſhe ſhippis, riggit oute in weirlike maner, and preſentlie in reddines to repair to the North Ilis and coiſtis of this realme, and cheiflie to the pairtis eweſt the cuntreyis of Orkney and Zetland; for rubbing, ſpuilȝeing and invading, as thay haue done ofbefoir, not onlie his Maieſteis awne ſubiectis, bot the Queene of England his darreſt ſuſter and couſin, and ſic vther Princeis as ſtandis in ſtrait league of amitie and freindſhip with his hienes, occupüt this ſeaſone of the yeir in thair lauchfull and accuſtumat trade of fiſheing; be quhais labouris and induſtrie, grit commoditie wes randerit, and in ſpeciall to the inhabitantis of this haill Iland,' &c. Therefore, deſires that Robert Earl of Orkney, the ſheriffs, &c. in the northern parts of the kingdom, 'that nane of thame tak vpoun hand to ſuffir or permitt ony Spaniſhe veſhellis, Spanȝeartis, pyrottis or revaris, to have reſſett or refuge in ony of thair portis,' &c. and to riſe and concur in their expulſion.

(Apr. 14.)—'Patrik Master of Gray and Robert Gray youngair, his bruthir,' denounced, for not appearing 'to haue anſuerit to ſic thingis as ſould haue bene inquirit of thame at thair cuming, tuicheing the Reſſett, intercommoning and haueing intelligence with Frances ſumtyme Erll Bothuile and his complices, culpable of the lait treſſounable fact, committit within the Palice of Halyruidhous.'

[*Adam Bishop of Orkney, Alexander Commendator of Culrose, Edward Commendator of Kinloss, John Earl of Mar, John Lord Thirlstane chancellor, Sir Robert Melville of Murdocairny, kn^t^, treasurer, Walter Commendator of Blantyre keeper of the Privy Seal, Mr Richard Cokburn apparent of Clerkingtoune secretary, Sir John Cokburne of Ormes-*

toun Justice-clerk, Alexander Hay of Eister Kennet Clerk of the Rolls, Register and Councel, William Little provost of Edinburgh, Nicholas Cornwall of Bonhard provost of Linlithgow, specially appointed by a Commission from Parliament; with George Earl of Marischall, James Kynross deputy Constable, Mr James Fowles sheriff-depute of Edinburgh, and James Nysbite dempstar.]

May 4.—DAME MARGARET DOUGLASS COUNTESSE OF BOTHUILL, Frances ſuntyme Earl Bothuil hir ſpouſe, for his intereſſe, and others.[1]

Mr Dauid Makgill, aduocat to our ſouerane, producit before the ſaidis Lordis Commiſſioneris of Parliament,[2] ane Summondis of Treſſoune writtin on parchiament, gevin vnder the Quarter-ſeill, dewlie execute and indorſate aganis Dame Margaret Dowglas Counteſſe of Bothuill, &c. for certane crymes of Treſſoun, ſpecifiet in the ſaid Summondis: Upon the production of the quhilk and verificatioun of the indorſationis of the ſamyn be the meſſingeris, executouris thairof, and witneſſes inſert thairintill, the ſaid Mr Dauid Makgill, in his hienes name, aſkit inſtrumentis.—And the foirſaidis perſonis being thryce callit at the Tolbuith-windo of the burgh of Edinburgh, to haif comperit and to have anſuerit to the ſaid Summondis of Treſſoun, and nane of thame comperand except *Patrik Futhie of Futhies mylne*, quha producit ane Remiſſioun grantit be our ſouerane lord vnder the Greit Seill, and ane Lettir ſubſcryuit be the Kingis Maieſtie, direct to the ſaid Aduocat to pas from perſute of the ſaid Patrik; vpoun the productioun quhairof he aſkit inſtrumentis: And als, *Robert Ormestoun of Brigend* comperit perſounalie, and was content to abyde ane tryall, for ony cryme contenit in the ſaid Summoundis of Treſſoun micht be laid to his charge.

THE Lordis Commiſſionaris of Parliament commandis the ſaid *Patrik Futhie* and *Robert Ormestoun* to reteir to thair lodgeingis in Edinburgh, and thair to remane quhill thay be ſend for be his hienes; and continewis to the morne.

May 25.—Quhilkis perſonis war thryiſe callit at the Tolbuith windo, quhairof nane comperit except *James Lermounth in Kelso, Robert Ormestoun of Brigend, Johune Stewart of Foulage* and *Patrik Futhie of Futhies milne;* and thairefter the haill executionis of the ſaid Summoundis of new verifeit, &c. quhairvpoun the ſaid Aduocat aſkit inſtrumentis.—The ſaid *James Lermounth* in Kelſo comperit perſounalie, in preſence of the ſaidis Commiſſioneris of Parliament, and offerit him ready to abyde tryall of law, vpoun quhatſumeuir crymes

[1] See the names specified in the following Dittay.

[2] These proceedings have been taken from the Parliamentary Records. *Acta Parl.* 1592, fol. 528.

of Treſſoun contenit in the ſaid Summoundis, to be laid to his charge: And ſiclyk, the ſaid Johnne Stewart of Foulege comperit perſounalie, and wes content to abyde the tryall of law for the crymes of Treſſoun laid to his charge, contenit in the ſaid Summoundis: And als, comperit the ſaid Robert Ormeſtoun of Brigend, and producit ane lettre ſubſcriuit be the Kingis Maieſtie, direct to the ſaid Mr Dauid Makgill aduocat, commanding him in his hienes name to pas fra the ſaid Robert, and that pairt of the ſaid Summoundis quhilk concernis him, and to deleit him furth of the ſaid Summoundis; vpoun the productioun quhairof, the ſaid Robert Ormeſtoun aſkit inſtrumentis.

And the ſaid Mr Dauid Makgill producit Lettres of Relaxatioun, beirand, that the foirſaidis haili perſonis defenderis, ſummound be the ſaid Summoundis of Treſſoun, to be relaxt fra quhatſumeuir proces of horne led aganis thame or ony of thame, for quhatſumeuir cauſe or occaſioun, preceding the dait of the ſaid Lettre, quhilk is daitit at Dalkeyth the tent day of Maii, and of our ſouerane lordis regnne the xxv yeir, 1592; and execute the xij day of the ſamin moneth of Maii, and regiſtrat in the ſcherref court buikis the xxij day of the ſamyn moneth of Maii: And ſiclyk, thairvpoune aſkit inſtrumentis.—And ſiclyk, Mr Johnne Makgill aduocat comperit perſounalie, and in name and behalf of *Alexander Home*, brother-germane to Williame Home of Prandergaiſt, proteſtit, that his abſence at this tyme be not imput vnto him for contumacie, and prejuge him not of his innocencie, anent the odious cryme of Treſſoun laid to his charge, ſeing the caus quhairfoir he may not compeir is notour. And as to the cryme of cumming to the Abbay that nicht, contenit in the ſaid Summoundis, in cumpanie with Frances ſumtyme Erle Bothuell, he proteſtis he is maiſt innocent thairof; as being that nicht vpoun the Waſt Bordour of Scotland, mair nor thrie ſcoir myles fra the ſaid Abbay; quhilk he is content to verefie be honeſt gentilmen: And thairfoir proteſtis, that in caiſe it be not ſufficientlie provin be ſic as hard, ſaw and knew him thair, that na argument be groundit vpoun his abſence, quhairby he may be prejudgeit of his innocencie; according to the ſaid proteſtatioun, gevin in be the ſaid Mr Johnne at lenth in write; and aſkit inſtrumentis vpoun the proponing and productioun thairof, *excuſatorio nomine* for the ſaid Alexander Home.—Mr Dauid Makgill aduocat, preſent, tuik him to be advifit with the Kingis Majeſtie, gif he ſould gif command to the clerkis to deleit Robert Ormeſtoun furth of the ſaid Summoundis of Treſſoun or not, conforme to the ticket direct be his Maieſtie to him to that effect.

The Lordis Commiſſioneris of Parliament ordanis the ſaidis James Lermounth, Robert Ormeſtoun and Johnne Stewart of Foullage to reteir thame ſelffis to thair lugeingis within Edinburgh, thairin to remane ay and quhill thai be ſend for be his Majeſtie.

REGE IPSO PRESENTE.

May 29.—The haill eſtaittis of Parliament cheſit (the perſonis) vnderwrittin to be Lordis of the Articles.

PRO CLERO.	PRO NOBILIBUS.	PRO BARONIBUS.	PRO COMMISSARIIS BURGORUM.
Orchaden.,	Anguſe,	Bas,	Williame Litle proueſt and
Dunkelden.,	Marſchell,	Culluthy,	George Hereot goldſmyth,
Culroſe,	Glencarne,	Wadderburne,	for Edinburgh,
Lundoris,	Montroiſe,	Airth,	James Drummound, for Perth,
Tungland,	Mar,	Tullibardin,	Patrik Lyoun, for Dundie,
Kynloſe,	Seytoun,	Glenvrquhy,	Anthone Bruce, for Striuiling,
Blautyre,	Lindeſay,	Pittarro,	Williame Cuninghame, for Glaſgw,
Incheaffray.	Spynie.	Barnebarrauch.	James Cokburne, for Hadingtoun.

OFFICERIS OF ESTAIT, Johnne Lord Thirlſtane chancellair, Sir Robert Meluile of Murdocairny knycht, theſaurare, Sir Richart Cokburne of Clerkingtoun, knicht, ſecretare, Dauid Seytoun of Parbroith comptroller, Sir Johnne Cokburne of Ormeſtoun, knicht, Juſtice-clerk.

The quhilk day the Kingis Majeſtie, and Mr Dauid Makgill of Cranſtoun-Riddell his hienes aduocat, being baith perſounalie preſent, declairit, in preſence of the Lordis of Articles, that he inſiſtit only at this tyme in perſute of the ſaid Summoundis and tryall thairof, aganis the perſonis following: Thay ar to ſay, Dame Margaret Dowglaſs ſumtyme Counteſſe of Bothuell and Frances ſumtyme Erle Bothuell her ſpouſe, for his interes, James Douglas ſumtyme of Spott, Archibald Vauchope younger of Nudry, Mr Johnne Coluile of Strathvrdie, Williame Stewart ſumtyme Conſtable of Dunbartane, Johnne Hammiltoun younger of Samelſtoun, Williame Lermounth of the Hill, Johnne Vauchoip baillie of Nudrie, Robert Home younger of the Heuch, Hercules Stewart of Quhytlaw, George Auchincraw of Eiſt Reſtoun, Patrik Auchincraw thair, Mr Thomas Cranſtoun younger of Moreiſtoun, Johnne Cranſtoun his brother-germane, Johnne Ormeſtoun of Smailhome, Robert Ormeſtoun his ſone, James Stewart of Tynneis, Patrik Crummy of Carribdin and Dauid Orme of Mugdrum. And paſt *pro loco et tempore* frome the haill remanent perſonis, defenderis, ſpecifiet and contenit in the ſaid Summoundis of Treſſoun, except the foirſaidis ſpeciall perſonis, preſentlie nominat be his Majeſtie, as ſaid is: And thairvpoun the ſaid aduocat aſkit inſtrumentis.

And immediatlie thairefter, the foirſaid Summoundis of Treſſoun raiſit at our ſouerane lordis inſtance, and execute aganis the perſonis vnderwrittin and ilk ane of thame, contrair quhome his hienes declarit he inſiſtis at this tyme in tryall of the ſaid Summoundis of Treſſoun, in maner foirſaid, being red in preſence of the Kingis Maieſtie and Lordis of Articles, and the ſamyn being hard, ſene and vnderſtand be thame, and thay thairwith being ryplie adviſit; the ſaidis Eſtaittis findis and declaris the reſſoun and caus contenit in the ſamyn Sum-

moundis of Treſſoun relevant aganis the perſonis abovewrittin. And thairfoir admittis the ſamyne Summoundis to the ſaid aduocatis probatioun; quha being perſounalie preſent, declairit that he ſould vſe his probatioun with all expeditioun; and the ſaid aduocat aſkit inſtrumentis of the relevancie of the ſaid Summoundis, and that the ſaidis Eſtaites had fundin the reſſoun of the ſaid Summoundis relevant.

Jun. 5.—The quhilk day Maiſter Dauid Makgill of Cranſtoun-Riddell, aduocat to our ſouerane lord, ffor verefeing of the ſaid reſſoun contenit in the ſaid Summoundis of Treſſoun raiſit aganis the ſaid Dame Margaret Dowglas Counteſſe of Bothuell and Frances ſumtyme Erle Bothuell hir ſpous, for his intereſſe, &c. producit and repetit the Extract of the Foirfaltour led and pronuncit befoir the Juſtice and his deputis, aganis the ſaid Frances ſumtyme Erle Bothuell, ſubſcriuit be the Laird of Ormeſtoun Juſtice clerk, of the dait the twentie-fyft day of Junii, the yeir of God 1591 yeiris; Depoſitionis of certane witneſſes, quha wer takin and execute to the death for the cryme libellit; and Depoſitionis of diuerſe vtheris witneſſes, examinat befoir the ſaidis Lordis of Articles in the ſaid mater; the notorietie of the deid libellit, and cuming of the defendaris to the place of Halyruidhouſe the tyme libellit; quhilk in mater of Hie Treſſoun ſould mak full probatioun: And that the Lordis of Parliament being the Greit Aſſyiſe of the cuntrie, of the daylie practique, quhatſumeuir perſone clengis not, of certane knawlege, the perſonis accuſit, he fyles thame: And the commoun notorietie of this fact and Treſſoun, and contumacie of the defendaris, is ſufficient to mak na man to clenge thame: And wes content the foirſaid proces and Summoundis of Treſſoun be haldin concludit: And deſyrit the Eſtaittes to adviſe the proces, and to pronunce thair ſentence of Parliament thairintill, according to the ſaidis probationis and thair conſciences.—The quhilk day our ſouerane lord and his hienes advocate paſt fra the ſaid Johnne Wauchoip baillie of Nudrie, and declairit that his hienes wald na wayes inſiſt aganis him.

Summoundis of Tressoun, *&c. against Dame Margaret Dowglass Countesse of Bothuill and others.*

Jacobus Dei gratia Rex Scotorum; dilectis noſtris Leoni Regi Armorum, Ilay, Albanie, Roſſe, Rotheſay, Snadoun, Merchmount, heraldis; Joanni Fergufſoun, Archibaldo Dowglas, Roberto Stewart et Dauidi Bryſoun, clauigeris; Ormound, Bute, Vnicorne, Carrik, figniferis, nuncijs et eorum cuilibet, coniunctim et diuiſim, vicecomitibus noſtris in hac parte ſpecialiter conſtitutis: Salutem. Mandamus vobis et precipimus, quatenus ſummoneatis legittime et peremptorie, coram teſtibus, Jacobum Dowglas de Spott, Magiſtrum Joannem Coluile de Strathurdie, Herculem Stewart de Quhytlaw, Joannem Hammiltoun juniorem de Sammelſtoun, Archibaldum Wauchoip de Nudrie juniorem, Jacobum Stewart de Tynneis, Gulielmum Stewart quondam Conſtabularium de Dunbartane, Gulielmum Lermounth in Hill, Magiſtrum Thomam Cranſtoun juniorem de Moreiſtoun, Joannem Cranſtoun eius

fratrem, Robertum Home juniorem de Heuch, Joannem Ormeftoun de Smailhome, Robertum Ormeftoun eius filium, Patricium Crummy de Caribdin, Dauidem Orme de Mugdrum, Georgium Auchincraw de Eift Reftoun, Patricium Auchincraw ibidem, Dominam Margaretam Dowglas comitiffam de Bothuell et Francifcum Stewart olim comitem de Botbuell eius fponfum, pro fuo intereffe, Confpiratores, perpetratores et celatores criminum Lefe maieftatis fubfequentium, perfounaliter, fi eorum perfonales prefentias commode habere poteritis; alioquin, apud loca eorum habitationum vel per publicam proclamationem, apud cruces forales burgorum noftrorum de Edinburgh, Hadingtoun, Lanerk, Dumfreis, Striuiling, &c. aliaque loca neceffaria; degentes vero feu exiftentes extra regnum noftrum feu certum nullum domicilium in eodem habentes, apud dictas cruces forales aliaque loca neceffaria, fuper premonitione fexaginta dierum, fic quod hujufmodi fummonitio ad eorum aures et notitiam verefimiliter pervenire poterit: Quod compareant coram nobis feu Jufticiario noftro, vicefimo quarto die menfis Maii proxime fequen. in noftro Parliamento apud Edinburgh, ... die menfis . . . . . tenend. hora caufarum, cum continuatione dierum, ad refpondendum nobis noftrove Jufticiario in prefato Parliamento, fuper proditoriis criminibus fubfequentibus; dictos fcilicet Jacobum Dowglas de Spott, Magiftrum Joannem Coluile, Herculem Stewart, Archibaldum Wauchoip de Nudrie juniorem, Joannem Hammiltoun juniorem de Sammelftoun, fuofque omnes complices fpecialiter ante nominatos et eorum quemlibet, pro fua proditoria arte, parte, confilio et auxilie, in ipforum recenti proditorio Confpiratione, confultatione et conclufione horrendi facinoris contra noftram honorabilem perfonam et vitam, per dictas perfonas comiff. vicefimo feptimo die menfis Decembris vltime elapf. fub noctis filentio, in ipfarum proditoria Invafione Palacii noftri de Halyruidhoufe, intrando ibidem, cum affiftantia, confortio convocatione dicti Francifci quondam Comitis de Bothuell aliorumque homicidarum, oppreforum, latronum, ac hujufmodi infolentium virorum armatorum et a legibus noftris fugitiuorum, ex deliberato animo et certa intentione violentas manus in noftram regiam perfonam imponere, vt vitam noftram vel nefarie extinguerent, vel nos captiuos fecum deducerent: Et ad hunc effectum, prefati Confpiratores directe accefferunt ad noftrum priuatum conclaue feu cubiculum, et oftiis ignem nefare injicerunt, domefticos noftros prefenti violenta morte minitando, objurgandoque, nifi ipfis declararent vbi nos effemus, nulla vnquam inquifitione per eos facta ob quamcunque aliam perfonam nifi propter nofmet ipfos: Ac preterea, violenter effregerunt malliis oftia interioris cubiculi Regine noftre chariffime conjugis: Atque demum, vbi parum fe promouiffe et ad illorum invftatum fcelus ac propofitum nefandum peruenire non poffe intellexerunt in eorum regreffu non dum fatisfacti, crudeliter et fine vlla mifericordia, domefticos et familiariffimos noftros feruitores, ob noftram caufam, interfecerunt et jugularunt: Hinc manifeftiffime crimen Summe Proditionis contra nos, noftram vitam, authoritatem regiam, et leges committendo; atque adeo, pro fua proditoria celatione et occultatione predicte Conjurationis, confultatione, contractu et executione eiufdem. Ideoque dictos Jacobum Douglas de Spott, Magiftrum Joannem Coluile, Herculem Stewart, Archibaldum Wauchoip juniorem de Nudrie, ceterofque omnes fuos complices particulariter ante nominatos Confpiratores proditoriofque executores, ad videndum et audiendum fefe et eorum quemlibet, refpectu premifforum, crimen Lefe maieftatis incurriffe per nos et trium regni ftatuum decretum decerni et declarari, et fuper predictis et alijs quamplurimis rebellionibus et tranfgreffionibus et proditoriis criminibus, per prenominatas perfonas, contra nos, regnum noftrum et authoritatem regiam impie et nefarie perpetratis, et dictis die et loco, cum continuatione dierum, proponendis et oftendendis et juri parendum, et fuper hujufmodi judicium noftrum et noftri Parliamenti, fecundum leges regni noftri expectandum et fubeundum; dictas videlicet perfonas, Confpiratores, perpetratores et celatores criminum precedentium, ad videndum et audiendum fefe et eorum quemlibet, intuitu premifforum, crimen Lefe maieftatis incurriffe, per nos et trium regni noftri ftatuum decretum decerni et declari; et propterea, ipforum bona, mobilia et immobilia, tam terras quam officia, aliafque res ad eos fpectantes, nobis confifcari et pro perpetuo nobifcum in proprietate remanere, perfonafque fuas penam Proditionis et vltimi fupplicii a regni noftri legibus inflictam fubire; et vberius

in premiſſis reſpondendum et juri parendum: Intimando ſupradictis Conſpiratoribus et eorum cuilibet, ſiue dictis die et loco cum continuatione dierum comparuerint ſiue non, nos dictuſque noſter Juſticiarius in premiſſis, juſtitia mediante, procedemus et procedet. Inſuper citetis, &c. ad comparendum coram nobis noſtrove Juſticiario, dictis die et loco cum continuatione dierum, ad perhibendum fidele teſtimonium in cauſa predicta, ſub pæna legis: Et preſentes literas debite executas et indorſatas earundem latori reddatis: Et vos qui preſentes executi fueritis ſitis ibidem dictis die et loco coram nobis ſeu dicto noſtro Juſticiario, portan. vobiſcum ſummonitionis veſtre teſtimonium in ſcriptis, pro premiſſis ſeu ipſos teſtes. Ad quod faciendum, vobis et veſtrum cuilibet, conjunctim et diuiſim, vicecomitibus noſtris in hac parte committimus poteſtatem. Datum ſub teſtimonio noſtri Magni Sigilli, apud Edinburgh, decimo die menſis Februarij, anno domini milleſimo quingenteſimo nonageſimo primo, et regni noſtri viceſimo quinto.

Quhilk Summondis with the executionis and indorſationis thairof reſpectiue foirſaidis, being this inſtant day red in preſence of his Maieſtie and haill Eſtaittis of Parliament, firſt in Latyne and ſyne in Scottis, and the ſaidis haill perſonis defenderis reſpectiue abonewrittin, nocht paſt fra as ſaid is, being thryiſe callit of new at the tolbuith windo of the ſaid burgh of Edinburgh, to haif comperit and anſuerit to the ſaid Summondis and reſſounes contenit thairin; and nane of thame comperand, to haif defendit in the ſaid mater and to haif anſuerit to the ſaid Summondis, the ſaid Mr Dauid Makgill aduocat to his Maieſtie, deſyrit the ſaidis Eſtaittis declaratioun, gif the reſſounes of the ſaid Summondis wer relevant: Quhilkis Eſtaittis and euery ane of thame, all in ane voce, ffand the ſamyn relevant aganis the haill perſonis vnderwrittin. Thairfoir the ſaid aduocat of new, for verefeing of the ſaid reſſoun contenit in the ſaid Summondis of Treſſoun, producit and repetit the Extract of Foirfaltour, led and deducit befoir the Juſtice and his deputes aganis the ſaid Frances ſumtyme Erle Bothuell, Depoſitionis of the ſaidis witneſſes, the notorietie of the fact, and repetit the haill probationis repetit be him of befoir, in the ſaid mater this inſtant day; and deſirit the ſaidis Eſtaittis of Parliament to advyſe the ſaid Depoſitionis of witneſſes and vtheris probationis, and to pronunce thair ſentence of Parliament thairintill, according to the ſamin probationis and thair conſciences: And thairefter, the Depoſitionis of the haill witneſſes execute to the death, and of the witneſſes examinat in preſence of the ſaidis Lordis of Articles, haill writtis and probationis, being red, ſene and conſiderit be the ſaidis haill Eſtaittis of Parliament, in preſence of the Kingis Maieſtie, and thaie thairwith being ryplie adviſit, the ſaidis lordis and Eſtaittis of Parliament Findis, decernis and declaris, that the ſaidis Dame Margaret Dowglaſs ſumtyme Counteſſe of Bothuell, James Dowglaſs of Spott, Archibald Vauchoip younger of Nudrie, Mr Johnne Coluile of Strathurdy, Williame Stewart ſumtyme Conſtable of Dunbartane, Johnne Hammiltoun younger of Sammelſtoun, Williame Lermounth of the Hill, Robert Home younger of the Heuch, Hercules Stewart of Quhytlaw, George Auchincraw of Eiſt Preſtoun,

Patrik Auchincraw thair, Mr Thomas Cranſtoun younger of Morieſtoun, Johnne Cranſtoun his brother germane, Johnne Ormeſtoun of Smailhome, Robert Ormeſtoun his ſone, James Stewart of Tynneiſe, Patrik Crummy of Caribdin and Dauid Orme of Mugdrum, and euery ane of thame, hes committit and done oppin and manifeſt Treſſoun aganis our ſaid ſouerane lord, in all pointis and articles contenit in the ſaid Summondis.

Doom. And thairfoir it was gevin for Dome, be the mouth of James Nyſbite dempſter of Parliament, in maner and forme as followis. This Court of Parliament ſchawis for law, That the ſaid Dame Margaret Dowglas ſumtyme Counteſſe of Bothuell, &c. and euery ane of thame, hes committit and incurrit the cryme of Treſſoun and Leſe majeſtie abonewrittin; in maner at lenth contenit in the ſaid Summondis: And thairfoir, decernis and declaris all thair guidis, movable and vnmovable, alſweill landis as offices and vther thingis quhatſumeuir, belanging to thame, to be confiſcat to our ſaid ſouerane lord, and to remane perpetuallie with his hienes in propertie: And thair perſonis to vnderly the pane of Treſſoun, and vtter and laſt pvniſhment appointit be the lawes of this realme. And that I gif for Dome.

Frances sumtyme Erle Bothuell.

Jun. 5.—'The proces, convictioun, ſentence and dome of Foirfaltour, led, deducit and pronuncit of befoir, be his hienes Juſtice Generall and his deputes, in the Juſtice Court halden at Edinburgh Jul. 25, 1591,' was Ratified by Parliament.

The *diſherefing of the poſteritie of perſonis (above) foirfaltit.*

Jun. 5.—Oure ſouerane lord and Eſtaittes of Parliament haiſing conſiderit the treſſounable, crwell and vnnaturall fact laitlie committit be the perſonis following, in cumpany for the tyme with Frances ſumtyme Erle Bothuell, &c. to wit, Frances Erle Bothuile, Archibald Wauchope younger of Nudry, &c. and diuers vtheris thair complices, in thair treſſounable cuming to his Maieſties Palice of Halyruidhous, vnder ſilence of nicht, vpoun the day of December laſtbypaſt, invaiding, aſſegeing and perſewing of his Maieſties maiſt noble perſone, be fyre and ſword, breking up his chalmer durris with foirhammeris, and cruellie ſlaying his hienes ſervandis, cumand to his Maieſties reſcourſe; ane Treſſoun and crueltie not hard nor ſene committit be ſubjectis, ſa heichlie obliſt to thair natiue King and Prince, precogitat, conſultit and aggreit vpoun to be put in executioun lang of befoir; having alſua deviſit meanis, in thair jugement, to preſerue thair landis and guidis efter the committing of thair Treſſoun foirſaid. Quhilk haynous and treſſounable fact, as it paſſes all vtheris in crueltie and euil example, ſua it is thocht meit and expedient that ane condigne law and puniſhment be ſett doun for extinguiſhing of the memorie of the treſſouable perſonis foirſaidis and thair poſteritie, to be ane document to all aiges to cum and attempt the lyk: It is thairfoir ſtatute and ordanit be oure ſouerane lord and his ſaidis Eſtaittes of Parliament, that the ſaid Frances ſumtyme Erle Bothuell, Dame Margaret Dowglas ſumtyme Counteſſe of Bothuile, James Douglas of Spott, Archibald Vauchop younger of Nudry, Mr Johnne Coluile of Straruidie, Williame Stewart ſumtyme Conſtable of Dunbartane, Johnne Hammiltoun younger of Sammelſtoun, Williame Lermounth of the Hill, Robert Home younger of the

Heuch, Hercules Stewart of Quhytlaw, George Auchincraw of Eift Preftoun, Patrik Auchincraw thair, Mr Thomas Cranftoun younger of Morieftoun, Johnne Cranftoun his brother germane, Johnne Ormeftoun in Smaillhome, Robert Ormeftoun his fone, James Stewart of Tynneis, Patrik Crumbie of Caribdin and Dauid Orme of Mugdrum, thair bairnes, thair airis and haill pofteritie, fall neuir bruik land, benefice, honour, office nor dignitie within this realme, in ony tyme cuming: And als his Maieftie and Eftaittis foirfaidis decernis, decreittis and deliueris, that all maner of infeftmentis, alienationis, difpofitionis, refignationis, contractis, bandis or obligationis, for making of infeftmentis of thair landis and heretages, or ony pairt thairof, or annuelrentis furth of the famyne, togidder with all pretendit affignationis and difpofitionis of thair tackis, ftedingis, roumes, poffeffionis, guidis or geir, to ony maner of perfone or perfonis, quhilk tuke not effect, be actuall and reall poffeffioun, befoir the committing of the foirfaid crymis, falbe null and of nane avail, force nor effect, in tyme cuming, as they had neuir bene maid.

(Jun. 8.)—A Proclamation iffued, forbidding all the lieges to 'reffet, fupplie nor intercommoun with Patrik Maister of Gray and Robert Gray his bruther.'

(Jun. 29.)—A Proclamation 'for perfute off the Erll Bothuile.'

(Jun. 30.)—A Proclamation 'for prefenting of prifonariis.'—That 'as diuers of the thevis and tratouris that laitlie affailȝeit his Maiefteis perfone within his awin Palice of Falkland, eftir thair grite fpuilȝie and heirfchippis, committit vpoun the horfis and guidis of the faithfull and gude fubiectis of this realme, in thair fchamefull flicht and returning hamewart, ar takin be the way, in diuers pairtis, within the fhereffdomes and burrowis of Lanerk and Peblis; quhais takaris will nawayis prefent thame to juftice, without thay be compellit;' therefore declaring that fuch perfons fhall be held as traitors.

(July 5.)—The King and Council having granted 'Licence to Williame Erle of Angus to remane in the cumpany and focietie of Johnne Erll of Montrois, ay and quhill his Maieftie declair forder of his will and pleafour towardis him;' therefore the Earl of Montrofe binds himfelf, that during this time, 'he fall nocht do nor attempt ony thing hurtfull or preiudiciall to his Maieftie, the prefent Eftate, nor the Religioun,' &c. The Earl only obliges himfelf, 'for his gude behaviour, during the fame tyme of his remaning;' but would not bind himfelf for the entry of Angus when required.

(Jul. 8, *apud Drumfreis.*)—'Promeis of reward to fik as fall reveill the refettaris of the Erll Bothuile and his complices' is only made, but in cafe of farther concealment, 'they falbe perfewit with fyre, fwerd and all vther kynd of rigour.'

(Jul. 11.)—John Earl of Morton Lord Maxwell, created Warden of the Weft March, 'dimittit be Sir Johnne Carmichaell of that Ilk, knicht.' He is ordained the fame day 'to mak redres for bigane attemptatis.'

(Jul. 12.)—It is declared, that 'albeit Johnne Lord Maxwell be nominat and ftyllit Erll of Mortoun in the late Act, and in fundrie vther Actis and ordi-

nances,' &c. 'ȝit the ſame nominatioun and ſtyle ſall nawayes hurt nor prejuge the richte and titles quhilkis WILLIAME DOUGLAS ERLL OF MORTOUN Lord Dalkeith, hes and pretendis to have, as air of taillie to the Earldome of Mortoun; nor ȝit impair him in honnour, ſtyle, dignitie, preeminence and priuilegeis, quhilkis he hes and broukis, or may brouke and poſſes thairby,' &c

WARRAND *for demolishing of the Housses of Tynneis, Horden* (*Harden*) *and Dryhoip*

APUD PEIBLIS, *xiij die mensis Julij, anno lxxxxij°* (1592.)—The Kingis Maieſtie, with aduiſe of the Lordis of his Secreit Counſale, Gevis and grantis full pouer and Commiſſioun, expres bidding and charge, be thir preſentis, to his weilbelouitt Williame Stewart of Tracquair, to DIMOLEIS and caus to be dimoleiſt and caſſin doun to the ground, *the place and houssis of* TYNNEIS, quhilkis pertenit to James Stewart ſumtyme of Tynneis; as alſwa, the lyke pouer and commiſſioun, expres bidding and charge, to Walter Scott of Gouldielandis and Mr Iedeon Murray, conjunctlie and ſeuerallie, to dimoleis and caus be dimoleiſt and caſſin doun to the ground, *the placeis, houssis and fortaliceis of* HARDEN *and* DRYHOIP, pertening to Walter Scott of Harden, quha, with the ſaid James Steuart, wes arte and parte of the lait treſſonabill fact, perpetrat aganis his hienes awin perſone at Falkland: And that the foirſaidis perſonis caus the premiſſes be putt in execution with all convenient expeditioun in ſignne and taikin of the foirſaidis vthiris perſonis treſſounable and vnnaturall defectioun and attemptat, committit be thame in manner foirſaid. As thay will anſuer to his hienes vpoun thair obedience.

(Jul. 13, *apud Edinburgh.*)—JOHN PENNYCUKE of that Ilk and MARK ACHIESOUN of Achieſonitheavin, denounced rebels, for refetting the Earl of Bothwell and his accomplices.

(Jul. 13.)—JOHNNE STEUART of Roiſland finds ſurety (Richard Hereot y^r of Trabroun), 'that he ſall nocht reſſett Matheu Hereot, denuncet rebell.'

Jul. 20.)—WALTER SCOTT of Hardenis ordered to be denounced rebel, for not appearing 'to have anſuerit to ſic thingis as ſould haue bene inquirit of him at his cwming, twicheing the late treſſounable attemptat committit aganis his Maieſteis perſone at Falkland, vpoun the xxviij day of Junij laſtbipaſt.

(Aug. 10, *apud Dalkeith.*)—PHILP SCOTT of . . . . . , denounced for the treaſonable refet of the Earl of Bothwell and his accomplices; and being preſent at the Raid of Falkland.

(Aug. 24, *apud Castrum de Edinburgh.*)—In 'the querrell and contrauerſie laitlie happynnit betuix ROBERT BRUCE of Clakmannane and the Prouoſt, baillies and Counſall of Perth,' 'the Kingis Maieſtie deſiret the ſaid Robert to informe his Maieſtie and the Counſale preſent, of the iniurie and offenſſes committit

aganis him be the ſaidis Bailies, &c. cauſſes and occaſions thairof; quha declarit, That he having certane guidis and geir cuming throu the ſame burgh, nocht bocht nor to be ſauld thairin, the ſame guidis wer not onlie ſtayed and not ſufferit to haue paſſage be thair portis, bot at laſt intromettit with be ſum of thair nichtbouris, becaus his ſeruand caryar of the ſaidis (guidis) wald not pay cuſtum thairfoir; quhilk being reportit to him, and he finding the ſame to be a novatioun, quhairwith his vmq^le father nor nane of his tennentis and ſeruandis wer burdynnit in his tyme, requirit the ſaidis Baillies, be his Miſſiue Letter, to repair this injurie, and to caus his guidis be rauderit agane without payment of ony cuſtum, vthirwayes he wald vſe the lyke forme of doing to thair nichtbouris,[1] in thair paſſage betuix thair toun and Dundee: And becaus thai refuſit to ſatisfie this his reſſonnable deſyre, he tuke ſum of thair nichtbouris repairing fra Dundee to the ſaid toun, and tuke thair waponis fra thame; quhilk waponis he offerrit, be his vther Miſſiue Letter direct to the ſaidis Baillies, to caus be delyuerit agane, be reſſaving the lyke deliuerie of his ſaidis guidis; quhilk, as of befoir, not onlie being refuiſit, bot ſum of thair nichtbouris, and in ſpeciall Williame Inglis and Johnne Balſillie, come to his ground and landis of Gaſtounhall, vpoun the xvj day of Auguſt inſtant, and eit, trampit doun and diſtroyit with thair horſſis, the cornis growand vpoun the ſaidis landis; ffor the quhilk, thay being reprovit, thay vtterit ſum iniurious wordis; quhairvpoun he wes movit to ſtryke ane of thame with ane piſtollett, and in end to tak and retene thame in his place of Gaſtounhall, without forder iniurie done to thame: And that ſame nicht, the ſaidis Baillies, counſall and communitie, to the nowmer of . . . . . perſonis or thairby, all bodin in feir of weir, come to his ſaid place, and vpoun the morne, afoir day licht, ſoundit thair drwm, aſſegeit him thairin, diſchargeit hacquebutis and piſtollettis in at the durris and windois thairof; and at laſt treſſounablie ſett to fyre, and enterit perforce in the ſame place, at the ruif thairof; and eftir thay had cruellie hurte . . . . . his ſeruand, with the ſchott of ane hacquebute, to the effuſioun of his blude in grite quantitie and perrell of his lyffe, thay tuke him ſelff, and tranſportit him away with thame ane certane ſpace, bairfutit and bairleggit, not ſuffering him to putt on his awne claithis; and ſpuilȝeit and tuke away with thame his haill ſiluer-werk, bedding, claithis and all the plenneſſing of his hous: And all this wes done without ony Commiſſioun had be thame thairto: Vſurpand thairby vpoun thame his Maieſteis authoritie. To the quhilk it wes anſuerit be the ſaidis Baillies and counſall preſent,[2] that the taking of cuſtum, for ſic kynd of guidis as had paſſage be thair

[1] Townsmen, inhabitants of the burgh. [2] Olipher Young, Patrik Blair and Adam Anderſoun, bailleis of the ſaid burgh, James Drummond dean of gild, Williame Merſer, Patrik Anderſoun, Thomas Burrell, Williame Stevinſoun, Robert Sym and Williame Jak, burgeſſes of the ſame burgh.

portis and brig, wes na novatioun, bot a forme of doing vſed be thame and thair prediceſſouris in all tyme bigane, paſt memoir of man, according to thair liberties and preuilegeis grantit to thame to that effect; and thairfoir, in ſtaying the ſaid Robert Bruceis guidis, quhill the cuſtume thairof had bene payit, thay committit na wrang: And forder allegeit, that albeit the firſt taking of ſum of thair nichtbouris, and retening of thair waponis, wes ane offens done, na les to the contempt of his Maieſtie then to thair particulair greif and hurte, ȝit thay not onlie patientlie buir thairwith, bot cauſit reſtitutioun to be maid to him agane of his ſaidis guidis, without payment of ony cuſtum thairof: And thairefter, thay directit Anthone Maxtoun, ane of thair awin nichtbouris, requiring him to ſuffer the ſaidis Williame Inglis and Johnne Waſſilbie (Balſillie) takin and detenit be him within the ſaid place, eftir thai wer cruellie hurte and woundit, to haue libertie and fredome: Quhilk not onlie being refuſit, bot at laſt, reporte being maid to thame that he had murdreiſt and ſlane the ſame perſonis; quhairvpoun, complaint and exclamatioun being maid be thair wyffis, bairnis and vtheris of their freindis, in end, Olipheir Peblis, ſhereff-depute of the ſherefdom of Perth, to quhome a certane nowmer of thair ſaidis nichtbouris gaif thair concurrence and aſſiſtance, paſt, according to the pouer grantit to thame be the Actis of Parliament, to the ſaid Robert Bruce place foirſaid, and thair perforce recouerit thame furth of his handis; and tuke him ſelff away with thame, to be anſuerable to juſtice.

The Kingis Maieſtie, with aduiſe of the ſaidis Lordis, ffindis and declairis, that baith the ſaidis pairteis, be thair awin declaratioun and confeſſioun, hes offendit and contempnit his Maieſtie, his auctoritie and lawis: And thairfoir, ordanis the ſaid Robert Bruce to be committit to warde within his hienes Caſtell of Edinburgh; and the ſaidis Williame Merſair, Patrik Andirſoun, Thomas Burrell, Williame Stevinſoun, Robert Sym and Williame Jak within the Caſtell of Blaknes; thairin to remane vpoun thair awne expenſſes, ay and quhill thay and thair compliceis, aſſiſtaris and pairt-takaris with thame in the committing of the foirſaidis crymes and offenſſes, be putt to the knaulege of ane Aſſiſe, befoir the Juſtice or his deputis; and that juſtice be miniſtrat as effeiris: And that ſeuerall warrandis be direct for thair reſſett in warde, within the ſaidis Caſtellis.

(Aug. 29, *apud Dalkeith.*)—Alexander Lord of Spynie ordained to be put to the knowledge of an Aſſiſe before the Juſtice, in the Tolbooth of Edinburgh, 'the tuelf day of September nixtocum, ffor the treſſounable reſſett within his place of Abirdour of Frances ſumtyme Erll Bothuell; and for intelligence had with him, or (*until*) that materis wes pakkit vp betuix thame, for the Raid of Falkland; quhairof the ſaid Alexander is dilaitit, be Williame Commendator of

Pittinweyme.' 'Certifeing alwayes the ſaid Commendatour, that in cais the ſaid Alexander ſall, eftir tryall, be fund clene and innocent of the ſaidis crymes, that in that caiſe the pane and pvneiſhement, preſcryuit in his hienes lawis and Actis of Parliament, ſalbe extendit and vſit aganis the ſaid Commendatair with all rigour and extremitie.'

(Sep. 2.)—David Cochrane of Pitfour complained to the King and Council, that he had raiſed Letters againſt Hary Lindsay of Kinfawnis, on the ground that the ſaid Hary, 'with conuocatioun of his hienes liegis, to the nowmer of xl perſonis or thairby, all bodin in feir of weir, with jakkis, ſpeiris, hacquebutis, piſtolettis and vtheris waponis invaſiue, prohibite to be worne be the lawis of this realme and Acts of Parliament, come vpoun the xxvij day of Julij laſtbipaſt, about twa houris in the moirning, to the place of Pitfour, quhair the ſaid complener, his wyffe, bairnis and familie wer for the tyme, takand the nichtis reſt, lippynning for na violence nor iniwrie of ony perſonis; and finding the ȝettis (*gates*) of the ſaid place cloſed, ſua that thay could nocht gett entres thairin, thay ſecreitlie hid thame ſelffis, in certane quiet pairtis aboute his hous, and directit ane boy to his ȝett, as giff he had cum with ane Miſſiue Letter to the ſaid complenair frome the Laird of Lethindie, deſiring entres, that he micht delyuer the ſaid Miſſiue; quhairof the ſaid complenair being aduerteiſſit, and lippynning for na thing les then that quhilk happynnit, he cauſit oppin his ȝettis, to haue lattin in the ſaid boy; at the oppynning quhairof, the ſaid Hary and his compliceis violentlie ruſheit in at the ȝett, and being repulſit, and putt bak and the ȝettis cloſed, thay then be plane violence and force brak vp the ſame ȝettis, enterit within the ſaid hous, intromettit with the ſaid complenaris haill mouablis and plenneſſing, and removit and expellit his wyffe, with nyne young bairnes, and his haill familie, furth of the ſaid hous; vſing ſic inhumanitie aganis his wyffe and bairnis, as the lyke hes not bene hard of to haue bene committit be a gentilman of his eſtait; quha, eftir the removing and putting of thame furth of the ſaid hous, wald nocht ſchaw thame that courteſie to remane in ane barne or byre, outwith his ſaid houſe; bot hes forceit thame to ly vpoun the feildis, aboute his awne wallis and ȝettis ſenſyne: And now hes placeit certane of the ſaid complenaris vnfreindis, (*enemies*,) with quhome he ſtandis vnder deidlie feid, within the ſaid hous; quha keipis and detenis the ſame, and on nawiſe will delyuer the ſame to the ſaid complenair, without compulſioun.' Lindſay was accordingly charged to deliver up the houſe, &c. and to anſwer before the King and Council for theſe acts of oppreſſion. The parties having appeared along with 'Johnne Tuedie, preſent keipar of the ſaid hous;' and 'in reſpect the ſaid hous was randerit to the meſſenger, without tryale or cognitioun, ordanis vtheris letteris to be direct,' charging them 'to render and delyuer the ſamin, togidder with the

guidis and geir quhilkis thay reſſauit thairintill, vpoun inventair,' within ſix hours thereafter, under the pain of rebellion, &c.

(Sep. 14.)— . . . . . WEMYSS younger of Logie and Mr RICHARD DOUGLAS, ſone lauchfull to the Laird of Quhittinghame, ordered to be denounced, for not appearing to have anſwered relative to Earl Bothwell, &c. Sir MICHAEL BALFOUR of Burlie alſo to be denounced, for not appearing to anſwer, concerning 'his Maieſteis perſone and eſtate,' &c.

(Sep. 14.)—PROCLAMATION 'to meit at Peiblis, in feir of weir, with xv dayes victuallis and prouiſioun,' upon the xxv day of September, to accompany the King 'in propir perſone, to tak the feildis' againſt BOTHWELL and his accomplices, 'inhabitantis within the boundis of Weſt Tiviotdaill.'

(Sep. 23.)—ANDRO KER of Phairnihirſt, Johnne Ruthirfurde elder of Hunthill, Williame R. younger of H., Williame Ruthirfurde proueſt of Jedburghe and Williame Kirktoun baillie of Jedburgh, ordained to be denounced rebels, for failing to appear this day, to have anſwered 'twicheing the treſſounable reſſett, intercommoning and intelligence had be thame with Frances ſumtyme Erll Bothuill,' &c.

(Sep. 26.)—On account of the ſtate of the harveſt, 'be the lang continewance of this ſtormie and vnſeaſonable wedder,' the meeting at Peebles was poſtponed to the tenth day of October.

(Sep. 28.)—SCHIR JOHNNE LINDSAY of Ballingho knicht, to be denounced for failing to anſwer as to his intercommuning with Bothwell.

(Oct. 14, *apud Jedburgh.*)—A great number of the leſſer barons on the Border, find ſecurity this day and afterwards, that they 'ſall behave as deutifull and obedient ſubiects.' The Court is held 'at Haliruidhous' on Oct. 24.

(Nov. 4, *apud Haliruidhous.*)—An act is paſſed in favour of ALEXANDER LORD SPYNIE, in which the charge brought againſt him of intercommuning with Bothwell, &c.[1] is, after ſtrict trial, found to be a malicious invention of *Colonell Williame Steuart;* the King and Council 'reſtoir and repone him to his honnour, dignitie, place and ſervice he had of his Maieſtie.'

(Nov. 9.)—A 'Commiſſioun of Lieutennandrie and Juſticiarie' is granted to WILLIAM EARL OF ANGUS Lord Douglas and Abirnethie, in conſequence of the King being 'informeit of the grite cruelteis, heirſchippis and diſordouris recentlie committit be the laules brokin hieland men of the *Clanchattan, Clancamroun, Clanrannald,* and vtheris, pretending thair dependans vpoun the ERLLIS of HUNTLIE and ATHOILL, hes ſa wrakit and ſhaikin lowſe ſindrie pairtis of the North cuntrey, that grite nowmeris of honneſt and peaceable folkis, his hie-

[1] See Aug. 29, 1592.

nes ſubiectis, ar murthowrit, thair houſſis brunt, now in the winter ſeaſoun, thair guidis ſpuilzeit, &c.: With ſpeciall pouer to intercommoun with the ſaidis Erllis and vtheris authouris and movaris of the ſaidis diſordouris and cruelteis, twicheing thair deſiſting from armes and hoſtilitie, and repairing of ſic placeis as his Maieſtie hes appointit, quhair the groundis, occaſionis and circumſtances of the ſaidis troubles may be hard, and the ſame redreſſit,' &c. And 'giff neid be, to diſplay his Maieſteis banner, aſſege houſis, raiſe fyre and vſe all vther force and weirlyke ingyne,' &c.

(Nov. 16.)—A Proclamation iſſued againſt the Earl of Bothwell; and of new interdicting all ſubjects from intercommuning, &c. with him.

(Nov. 20.)—Another Proclamation and Declaration to the ſame effect.

(Dec. 8.)—All Reſetters and Aſſiſters of Bothwell, having been ordered, in time coming, to approach no nearer the Royal preſence than *ten miles*, and many of them having diſobeyed, Warrant is iſſued to the Provoſt and Bailies of Edinburgh to apprehend 'Dame Margaret Douglas, Contesse of Bothuile, Arch[d] Wauchop younger of Nudrie, Williame Stewart ſumtyme Conſtable of the Caſtell of Dunbartane, Johnne Hammiltoun younger of Sammelſtoun, Williame Liermonth of the Hill, Hercules Stewart of Quhytlaw, Mr Thomas Cranſtoun younger of Morieſtoun, James Stewart of Tynneis, Sir James Scott of Balverie, Andro Ker of Farnyhirſt, Watt Scott of Harden, &c., and all others received or that ſhall be received into favor, quhilkis ſall nocht produce and ſchaw to thame, his Maieſteis Licence, for thair remaning within the ſame burgh.'

(Jan 5, 1592-3.)—A Proclamation iſſued againſt 'the coverit and biſſy trauellis of Jesuites, Seminarie Preiſtis, borne ſubjectis of this realme, and ſum vtheris, ſtrangearis, and their *treſsounable* Conspiracie *for inbringing of strangearis*, Spanzeartis, in this realme, this nixt ſpring or ſomer; to the ouerthrow of his hienes and all profeſſing the trew Religioun with him, and to the ruyne and conqueiſt of this auncient Kingdome and libertie,' &c.

(*Eodem die.*)—Act paſſed, 'allowing the apprehending and warding' of William Erll of Angus within the Caſtle of Edinburgh, 'vpoun ſuſpicioun confauit, that he wes guilty of ſum treſſonable Conſpiracie, diuiſit for ſubuerſioun of the trew Religioun,' &c.; 'as planelie appearis be ſum Letteris, laitlie apprehendit with Mr George Ker bruthir to the Lord of Neubottle, ſubſcryuit be the ſaid Erll and vtheris his colligis: As alſwa, concerning the warding, tryell and examinatioun of the ſaid Mr George, Hew Barclay of Ladyland, and ſum vtheris, apprehendit for this ſame caus.'

(*Eodem die.*)—Another Act, that in future, all perſons ſuſpected of ſuch crimes, ſhall be called before the King and Council, 'and giff thair aithis of veritie ſolempnitlie, that thay ſall lelilie and treulie declair and depone the veritie,

&c., and conceill na pairt thairof; and in cais thay ſall refuſe to ſweir and giff the ſaid aith, that thair refuſale, in that cais, ſalbe haldin as a Confeſſioun of the crymes quhairof thay ar or ſall be delaitit and inquirit.'

(Jan. 8.)—Mr Alexander King, Advocat, finds caution to the extent of L.5000, that he ſhall appear perſonally, on ſix days warning, and anſwer 'to ſic thingis as ſalbe layed to his charge'. Robert Swintoun of that Ilk, Mr Michaell Cheiſholme, and Williame Fairlie, burgeſſis of Edinburgh, were his ſureties.

(Jan. 12.)—Letters ordained to be directed, charging Sir Johnne Ker of Hirſell, knicht, and Mr Walter Lindsay of Balgawy, to appear and anſwer, 'concerning thair practizing in materis aganis the Eſtait of Religioun, his hienes perſone and authoritie, and diſturbing of the commoun quietnes of the realme;' under the pain of Rebellion.

(Jan. 17.)—Proclamation 'to pas fordwart to the North with his hienes, for reſiſting and repreſſing of the authoris of the treſſounable Conſpiracie for the inbringing of Strangearis, and raſing of Ciuile wear,' &c.; and 'for defens and mantenance of the libertie of Religioun from thraldome of conſcience, and conqueiſt and ſlaverie of Strangearis;' 'vnder the pane of tinſall of lyffe, landis and guidis.'

(Jan. 23.)—Johnne Earl of Menteith finds Johnne Blair of that Ilk, Johnne Grahame of Knokdoleane and Robert Grahame of Thornik, as his cautioners, under the pain of 10,000 merks, 'that he ſall on nawayis invade nor perſew Walter Lekky *of that Ilk*, his kin, &c., in the deidlie feid ſtanding betuix him and his ſaidis freindis.' Johnne Earl of Montrois, Johnne Mr of Montrois, Mr Johnne Grahame of Halȝairdis, Sir Duncane Campbell of Glenvrquhay, Williame Grahame of Balivie, Williame Grahame of Claverhous, and Williame Grahame of Panhollis, bind themſelves to relieve the cautioners of their ſurety.

(Jan. 25.)—Walter Lekky *of that Ilk*, finds Johnne Murray of Polmais as his cautioner, under the pain of 3000 merks, that he ſhall not invade or purſue the Earl of Menteith.

(*Eodem die.*)—Robert Jameſoun, burgeſs of Air, ordained to deliver to Sir James Sandielandis of Slanmannane, 'Mr (Maiſter) Knicht, gentilman of his hienes chalmer,' the ſum of 236 'crownis of gold,' delivered to him by James Campbell his ſervant, who received the ſame from Mr George Ker, brother to Mark Lord Newbottle.

(Jan. 30.)—Commission to Archibald Earl of Argyle, his hienes Juſtice Generall, for repreſſing the violence of 'the wicked Clangregour, the Steuartis *of Baquhidder* and diuers vtheris brokin men of the hielandis,' &c.; with power to charge 'all and ſindrie perſonis of the ſurename of the Mak-

gregour, and the Steuartis of Baquhidder, thair affiſtaris and pairt-takaris, to find ſouirtie or to entir plegeis, as he ſall think maiſt expedient, for obſeruatioun of his hienes peace, quietnes and gude reule in the cuntrey,' &c. Power is alſo given to convocate the lieges, and to 'perſew and affege' their 'houſſis and ſtrenthis, raiſe fyre and vſe all kynd of force and weirlyke ingyne,' &c.

(*Eodem die.*)—A number of 'Mackgregouris' charged to appear before the Earl of Argyle, at Stirling, the . . . day of February next.

(Feb. 5, *apud Sanct Androis.*)—George Erll of Huntlie, Frances Erll of Errole and Schir Patrik Gordoun of Auchindoun, kn^t^, ordained to be denounced rebels, for not appearing this day, to anſwer 'tuiching thair practizing and trafficquing with Jesuites, Seminarie Preiſtis, and vtheris excommunicat and trafficquing Papiſtis, aganis the ſtate of the trew Religioun,' &c.

(Feb. 12, *apud Halirudhous.*)—Robert Logane *of Restalrig*, to be denounced, for not appearing to have anſwered 'vpoun his treſſounable Conſpiring, conſulting, trafficquing and diuiſing with Frances ſumtyme Erll Bothuill, in ſundrie treſſounable purpoiſſis, agains his Maieſteis perſone and authoritie.'

(Feb. 15.)—Schir James Cheisholme of Dundorne, kn^t^, to be denounced, for not appearing to anſwer, 'tuicheing his practizing and trafficquing, in ſundrie treſſounable materis, aganis the trew Religioun,' &c.

(Feb. 26, *apud Abirdene.*)—Williame Erll of Angus, Lord Douglas and Abirnethy, ordained to be denounced, for not appearing to anſwer, 'tuicheing the treſſounable practizing aganis the eſtate of the trew Religioun, preſentlie profeſſit within this realme, his Maieſteis perſone, authoritie, eſtate and realme,' &c.

(Mar. 3.)—Mr Robert Keithe, brother to George Earl Mariſchall, to be denounced, for not appearing to anſwer a charge at the inſtance of the Earl and Robert Lord Altrie, his uncle, that 'quhair he, vnmyndfull of his naturall dewtie towardis him, hes laitlie with his compliceis, violentlie, and be way of deid, takin the ſaid Erllis hous of Akirgill, in Caithnes, and intruſit him ſelff in poſſeſſioun thairof, of intentioun to mak incurſiounis vpoun his tennentis and ſeruandis, occupiaris of his landis adiacent and belanging thairto; and to commit all maner of oppreſſioun, reif and heirſhippis vpone thame: As lykuiſe, to compell thame to anſuer and mak payment to him of the mailles and dewiteis thairof, by (*contrary to*) all ordour of law and juſtice, and to the grite contempt of his hienes auctoritie: Quhais inſolence, albeit the ſaidis complenaris be able aneuch to repres and tak ordour with; yit, in reſpect of his hienes preſence in the cuntrey, thay ar laith thairto, in hoip that his Maieſtie ſall prouyde remeid for pvniſhement of ſic inſolence and enormitie.'

(Mr.a 9.)—A Commission is granted to George Earl Marishall Lord

Keith and Altrie, conſtituting him his Majeſty's Commiſſioner, within the bounds of the Sherifdoms of Kincardin, Aberdeen and Banf, 'to pas, ſearche, ſeik and tak GEORGE ERLL OF HUNTLEY, WILLIAME ERLL OF ANGUS, FRANCES ERLL OF ERROLE, Schir Patrik Gordoun of Auchindoun, kn^t^, Schir James Cheiſholme of Dundorne, kn^t^, Mr James Gordoun and Mr Williame Ogiluy, Mr Robert Abercrummy, and all vtheris Jeſuites, Seminarie Preiſtis and trafficquing Papiſtis, treſſounable practizearis aganis the Eſtate of the trew Religioun, preſentlie profeſſit within this realme, his hienes perſone, crowne and libertie of this cuntrey: AS ALSWA, the vtheris perſonis vndirwrittin, denunceit rebellis and putt to the horne, and fugitiue fra his hienes lawis, for the *tressounable* FYRERASING *and birning of the place of* DYNNIBIRSELL *and* MURTHOUR *of vmq^te^* JAMES ERLL OF MURRAY; thay ar to ſay, the ſaidis George Erll of Huntlie, Schir Patrik Gordoun of Auchindoun, kn^t^, Schir Thomas G. of Cluny, kn^t^, William G. of Geycht, Robert Innes of Innermerky, Johnne Gordoun apperand of Leſmoir, William G. of the Craig of Auchindoir, Johnne G. youngair of Carnburrow, George G. his bruther, James Lorymer, Alexander Chalmer, ſernitouris to the Laird of Innermerky, Patrik Gordoun of Letterfoury, Patrik G. of Corrachrie, Johnne G. younger of Auchannachie, Normond Leſlie, Johnne Vans of Lochflyne, Johnne Gordoun of Auldtounleyis, Johnne Drummond, Andro Wode, Johnne Edmeſtoun, Robert Dalgleiſhe, Williame Borthuik, George Gordoun of Crechie, James Moubray, George Gordoun bruthir to Patrik G. of Corrachrie, James Borthuik at the Brigend of Haillis, Johnne Chalmer ſuſter-ſone to the Laird of Geycht, and Williame Moriſoun; togidder with the reſſettaris,' &c., and to bring them before the King and Council, or before the Juſtice or his deputies, to be puniſhed for their demerits: AND alſo, 'to repreſs and reſiſt, and as occaſioun fallis oute or neceſſitie requiris, to tak and apprehend all thevis, revaris, ſornaris, violent and maiſterful oppreſſouris, hieland and lauland, brokin men,' &c. With power likewiſe to hold Courts of Juſticiary, &c.—The following perſons are added 'as Counſallouris to the ſaid Erll, be quhais aduiſe, or ony three of thame conjunctlie, he and his deputis ſall proceid in the execution of this preſent Commiſſioun, viz. Johnne Maiſter of Forbes, Robert Lord Altrie, Alexander Iruing of Drum, Schir Walter Ogilvy of Findletter, kn^t^, Schir George Ogilvy of Dunlugus, kn^t^, Alexander Fraſer of Phillorth, James Creichtoun of Frendraucht, Williame Forbes of Tolquhone, George Johnneſtoun of Caſkyben, Williame Forbes of Monymuſk, Williame Forbes of Corſe, Johnne Wiſhert of Pittarro, ... of Thornetoun, ... of Lowreſtoun, ... of Balmane and . . . . . Arbuthnott of that Ilk.'

(Mar. 9.)—A ſimilar COMMISSION granted to JOHNNE ERLL OF ATHOILL Lord Balvany, as his Majeſty's Commiſſioner, within the bounds of the ſhires of

Elgin, Forſes, Nairn, Inverneſs and Cromarty. He is inſtructed 'to concur, fortifie and aſſiſt' the Earl Mariſchall; 'and for this effect, to repair to him with his forceis, within the ſaidis boundis, at ſic tymes as the neceſſitie ſall ſa require, or as he ſalbe aduertiſt or deſyrit be the ſaid Erll Mariſhaell.' Symon Lord Fraſer of Lovatt, Johnne Grant of Freuchy, Coline M'Kenzie of Kintaill, Lauchlane M'Intoſhe of Dunnauchtane, George Ros of Balnagowne, Mr Hector Monro of Foullis, Johnne Dunbar of Moynes ſchereff of Murray, Johnne Vrquhart tutour of Cromartie, Thomas Fraſer tutour of Lovatt and Williame Suthirland of Duffus, are appointed his 'counſallouris.'

(Apr. 12, 1593, *apud Halyruidhous.*)—'Johnne Buchquhannane of Drumfoid and James B., ſonis to Thomas B. of Blairloſk, Archebald M'Airthure in (*and*) Airthure M'Airthure in Ardindowane, Johnne M'Inlaÿ, ſone to the millar of Dunſtuge, and George Buntene M'Indoquhy, ſeruand to Thomas B. of Blairloſk,' ordained to be denounced rebels, &c. by virtue of 'our ſouerane lordis Letteris, raſit at the inſtance of Johnne Campbell of Ardkinglas, Maiſter Johnne C. of Auchinvelling, Mr Dougall C. Deine of Breichin, Patrik and Robert Campbellis, brether to vmq^le^ Duncane Campbell; makand mentioun, that quhair the ſaid Johnne C. of Ardkinglas, at the ſpeciall directioun of his hienes, being cuming to the burgh of Edinburgh, vnder his Maieſteis protectioun, and being on his jornay, at Dumbertane, vpone the xxviij day of Marche laſt, accumpanyed onlie with four ſeruandis, in peceable and quiet maner, he tuik purpos to hald fordwart his jornay that ſame nycht efter ſupper, be reſſoun of the trublis quhilkis ar in that cuntrey, lippynning for nathing les than ony injurie or truble to haue bene intendit aganis him; notwithſtanding, it is of the trewth, that Johnne Buchannane, &c. being aduertiſit of the ſaid Lard of Ardkinlas intention to hald fordwart his jorney that nicht, thay aſſociat vnto thame ſelffis ſindrie vtheris, brokin men and fugitives, to the number of tuentie-foir perſonis on horſe and fute, all bodin in feir of weir, with lang hagbuttis, jakkis, piſtolettis and vtheris waponis invaſiue, prohibite to be worne be the lawis of this realme and Actis of Parliament; and lay in ambuſhment in ane yaird, direct oppoſite to the gait, quhairby the ſaid compleneris behuiſit to pas, of ſett purpos and prouiſioun to haue murderit him in his by cuming: Lyk as, the ſaid vmq^le^ Duncane and ane vther of his ſeruandis, being gangand a litle befoir him, and the perſonis foirſaidis ſuirlie beleving that ane of thame had beine the ſaid Lard of Ardkinglas, thay diſchairgeit ane duſane of harquebuittis at the ſaidis tua perſonis, and ſchott the ſaid vmq^le^ Duncane in the heid with ane of the ſame ſchottis; and thaireftir cuming furth of the yaird, finding the ſaid vmq^le^ Duncane not to be deid, and ſtill beleving he had beine the ſaid Lard of Ardkinglas, thay ſchamefullie and barbarouſly maglit and ſlew him with ſweirdis, and cuttit of his heid:

And then, perſaving thame ſelffis to be diſapointit, thay ſchairplie followit the ſaid Lard, ſchott aucht or nyne hagbuittis at him, and had not failit lykwayis to haue ſlaine him, wer nocht be the Prouidence of God he eſchaipit: Committing thairthrow maiſt ſchamefull and barbarous Murthure, vpone ſett purpos and prouiſioun, in hie and proud contemptioun of his Maieſtie and his authoritie, and euil example of vtheris to do the lyke, giff this remane vnpuuiſſet.'

(Apr. 15.)—Johnne Lord Hammiltoun ordered to be denounced, for not preſenting Mr PATRIK HAMMILTOUN, brother to George H. of Preſtoun, Captane of the Caſtell of Brody in Arrane, as bound by the laws and the 'Generall Band,' to preſent and enter him before the King and Council, 'to be puniſt for his demerittis, proud contempt and rebellioun;' and to have anſwered to a Complaint made by Abacuch Biſſett,[1] writer to the Signet, that on 23, 25 and 28 days of September, 1587, Mr Patrick was denounced rebel, for not appearing before the King and Council, 'tuicheing thair (Mr Patrick's and John H. fear of Preſtoun, his brother's ſons) cruell perſuit and invaſioun of the ſaid complener, within St Geilis Kirk of Edinburgh, in tyme of Parliament, and mutilatioun and diſmembering him of the haill fingeris of his left hand,' &c.; and that 'ſen the tyme of his denunceatioun, he hes maiſt ſchamefullie and vnhoneſtlie murdreiſt and ſlane tua innocent men, to wit vmq^le Dauid Stewart in Buit, and vmq^le . . . . . Inglis, quha newer offendit him,' &c.; 'beſydis mony vther and odius vicked deidis committit be him, vpone his Maieſteis peceable ſubiectis, and ſpeciallie, within the pairtis of Arrane, quhair he wes appointit Capitane of Brody, oppreſſand ſic as may not reſiſt him, baith be ſey and land, and takand ranſomis and buiting[2] with wtheris his complices, that he houndit out to that effect; behaving him ſelff, in all reſpectis, as gif he wer not ſubiect to a ſouerane lord and king,' &c.

(Apr. 17, *apud Edinburgh.*)—James Cheyne of Straloch became cautioner for PATRIK CHEYNE of Eſſilmonth, 'that he, be him ſelff and all that he is obleiſt to anſweir for, be the lawis of this realme, ſall behave thame ſelffis as dewtifull and obedient ſubiectis'—and that thay ſhall not 'tak pairt with George Erll of Huntlie, &c., nor na vtheris, Jeſuitis,' &c., under the pain of 3000 merks.

(Apr. 21.)—A number of 'NORTHLAND MEN' find caution under large ſums, that thay ſhall repair to the town of Dundee, upon the 24th day of April in-

[1] Habakkuk Bisset was clerk to Sir John Skene, Lord Clerk Register. He is the reputed author of 'Ane ſhort Forme of Proces, preſently vſed and obſerved before the Lords of Counſell and Seſſion,' appended to Skene's Scottish translation of the Regiam Majestatem, published in 1609. This work forms one of the articles in a scarce volume, entitled 'A Compilation of the Forms of Process in the Court of Session, during the earlier periods after its establishment; with the variations which they have since undergone, and likewise some ancient tracts concerning the manner of proceeding in Baron Courts; published by order of the Commissioners lately appointed by his Majesty for Enquiring into the Administration of Justice in Scotland.' 8vo. Edinburgh, 1809. [2] Free-booting? Taking booty.

ſtant,[86] and thair, ather ſatisfie the Generall Aſſemblie of the Kirkis, quhilkis ar to be convenit thairin the ſame day, in ſic thingis as concernis the trew Religioun, &c.; and returne ane Teſtimoniall of the ſame ſatisfactioun, to his Maieſtie and Lordis of Secreit Counſale, within thre dayis nixt thairefter; or ellis, within the ſame ſpaice, ſall returne and enter thair perſonis in waird, within the burgh of Edinburgh,' &c.

Apr. 26.)—Proclamation, that 'fforſamekle as thair is ane Juſtice Court proclamit and appointit to be haldin within the burgh of Hadingtoun, vpone the thrid day of Maij nixtocum, with continewatioun of dayes, be certane noblemen, barrones and vtheris, to quhome his Maieſtie hes gevin full power and Commiſſioun to call and convene befoir thame diuerſe perſonis, inhabitantis within the boundis of the ſherefdomes of Berwik, Lawderdaill and Edinburgh, within the Conſtabularie of Hadingtoun, committaris of the ſaidis crymes and enormities, and to proceid and miniſter juſtice vpone thame,' &c. 'And that neceſſar it is, that Commiſſionaris be weill and ſubſtanciouſlie accumpaneit, with a force of his hienes guid ſubiectis.' Therefore, that the 'Erllis, lordis, barronis, fewaris and frehalderis, duelland within the ſaidis boundis, alſweill to regalitie as ryaltie,' be charged to repair to Haddington 'weill bodin in feir of weir, and with ten dayis wictuallis and prouiſioun.'

Anent *the Tryall and pvnishment of the Ressetaris and assistaris of* the Erll Bothuil.

(May 1, *apud Halirudhous.*)—Anent the Kingis Maieſteis Propoſitioun to his nobilitie and baronis preſentlie conuenit, concerning the preſent diſordouris ower all the realme, and contempt of his hienes authoritie; and ſpeciallie, how his perſoun micht be gairdit, and the rebellious contempt of Frances ſumtyme Erll Bothuill his aſſiſteris and reſettaris repreſit and puneſſit; it wes anſwerit, that the ſeruice and execution neceſſar for that effect, behuiffit to be done, ather be a force of waigeit men, quhilk hardlie may be intertenit be ony vther moyen (to thair knowlege) nor be a generall taxatioun; and that cannot be condiſcendit vnto, without the conſent of all the Eſtaittis convenit, the perſonis now preſent being vnable of thame ſelffis to reſolue thairanent; or then, the ſaid executioun behuved to be maid, be ane force of his hienes ſubiectis, of all eſtaittis, to be convenit perſonallie in armes, be Proclamatioun: Notwithſtanding, that thair ſall appeir na inlaik, in the det-bund guidwill and readynes of the noblemen, barrones and counſale preſent, to do all that lyis in thair habilitie, alſweill for the ſaulfgaird and preſervatioun of his hienes perſoun, as for the repreſſing of the ſaid ſumtyme Erll his aſſiſteris and reſſettaris, without ony excuſe or delay; thay offerit thame ſelffis reddy to remane and accumpany his Maieſtie, and

to affiſt him with thair trew counſale, or to pas in ſic pairtis as ſould be fund expedient, for ſeircheing and reprehending of the avowit and knawin offendaris; and thocht meit, that vtheris quha ar ſuſpect, ſould be callit befoir his hienes and his Counſale, or his Juſtice; and baith the ane ſoirt and the vther tryit and pvniſſit, as thay ſould be fund to haue merited; with all vther perſounis knawin giltie, or ſuſpectit as offendouris aganis the trew Religioun, or in vtheris odius crymis ower all pairtis of the realme, and juſtice to be miniſtrat and execuit thairvpone with all poſſible expeditioun. FURTHER, ſeing his hienes clemencie, heirtofore ſchawin to the ſaidis Erllis affiſteris and reſſettaris, hes produicit ſa littill guid effect, bot be the contrair, hes bene ſa contemptiouſlie and ingraitlie abuiſet; efter reſſoning, quhidder it wer mair convenient to ſchaw ony forder or lyk clemencie heirefter, or with ſeueritie to try and perſew the offendouris, quhill the occaſioun of the evill be takin away; the noblemen, counſaill and barronis, preſentlie declairit and concludit, that ſeueir juſtice wes maiſt expedient to be vſit and executit in tyme cuming, ſen his hienes former clemencie hes bein ſa far abuiſet: And lykas, thay haue maiſt humblie craved of his hienes, that the concluſionis ſett doun be commoun conſent in counſale, for the executioun of the premiſſes, ſall not be alterit nor brokin be ony thing, to be grantit or paſt his Maieſteis hand, without the knawlege and aduiſe alſo of the Counſale ſittand, at the importune ſuit of ony privat perſonis; quhairvnto his hienes hes condiſcendit and promeiſit:[1] Sa that the ſaidis noblemen, barronis, counſale and vtheris now preſent, or that ſall ſubſcriue this preſent Act heireftir, lykwayis ſaithfullie promiſſe vnto his Maieſtie, that nane of thame ſall heirefter ſpeik or ſoliſt him in the fauour, or for ſpairing of ony perſonis that ſalbe thocht worthy to be tryit and pvniſſit, for the cryme foirſaid, vnder the paine of his hienes repruif and indignatioun; and to be eſtemit be him as fauoraris and partakaris with the ſaid Erll, in all his treſſonable and vicked deidis; as alſua, faithfullie promeiſſit, not onlie to accumpany his Maieſtie, as is befoir writtin, ſa lang and in ſic nwmer as his hienes ſall think neceſſar, bot alſo to vſe thair panes, and do thair exact diligence in ſeircheing, apprehending, trying and puniſheing of the ſaid Erll his aſſiſtaris, part-takeris and reſſettaris, to the effect thay may ſuffer according to thair demerittis; and to leif na maner of guidwill and effectuall doing vnperformit, in this behalf, that thay wald vſe in thair particulair[2] deidlie feidis, aganis thair awin privat ennemies. AND finallie, the noblemen and vtheris preſent, being ſhireffis or ordinar judgeis,[3] promittit the performance heirof, within thair awin boundis and juriſdictionis; as

[1] This Act of the Privy Council shows, in a very strong light, how apt the king was to give way to private solicitations, and to vacillate in all matters of importance, when his feelings were worked upon by intriguing courtiers. [2] Proper, peculiar, personal. [3] That is, such of them as were judges, &c.

thay will anſwer to God and his hienes thairvpone. In witneſs quhairof, his Majeſtie and thay hes ſubſcriuit thir preſentis with thair handis.

(Sic ſubſcribitur) JAMES R.

Lennox. Argyle. Mortoun. Mar. Alex^r L. Hume. R. L. Seytoun. M^r of Glammis. James Lindsay. Melrose. Newbotle. Lincluden. J. Cokburne. Blantyre. R. Cokburne. Bass. Sr Williame Keith. Sr George Hwme. Traquhair. Dunypace. George Hume of Wedderburne. Alexander Hwme of Northberuick.

(May 2.)—The Commendatair of Sanct Colmis Inche, tutour of Murray, ordained to be charged, that he in no wife 'cut doun, diſtroy, mell and intromet with the wod of Doun in Menteith, quhilk properlie appertenis to his Maieſtie:' And the lieges to be charged, 'that nane of thame tak vpone hand to by (*buy*), blok or bargane with the ſaid Commendatare or any vtheris, anent the ſaid wod;' under the penalty of paying double the value to his Majeſty, and to be 'puneiſt as diſtroyaris of policie,' &c.

(May 3.)—On the complaint of Thomas Kirkpatrik of Cloſburne, 'that Edward Maxwell of Tynwald, Edward and Johnne his ſonis, Johnne M. of Kirkconnell, Robert M. of Keltoun, Thomas and Robert his ſonis, Johnne M. tutour of Aikinheid, &c. hes laitlie maid and ſubſcryuit ane vnlauchfull Band and League, quhairin thay ar all bundin, ſworne and obleiſt to manteine, defend and tak pairt, ilkane with vtheris, in quhatſumeuir thair actionis, in the law, or by the law;[1] accounting the actioun and querrell of onie ane of thame to be equall and commoun to thame all:' And that in terms of this league, they on April 3, with 'convocatioun of his hienes liegis, to the nwmer of tua hundreth perſonis or thairby, all bodin in feir of weir, with jakkis, ſpeiris, hagbuttis, piſtolettis, &c. come to the compleinaris 20 ſ. land of Rouch-Ile, of purpos violentlie to haue intruſit Robert Greir thairintill; quhilk thay had not failit to haue done, wer nocht the ſaid compleinar, being foirſeine of thair interpryſe, aſſemblit certane of his freindis, to defens and mantenance of his awin poſſeſſioun.' Having failed to anſwer a charge to appear this day, they were ordered to be denounced rebels, and their goods eſcheated, &c.

(*Eodem die.*)—Robert Galbraith of Culcreuch, 'be the ſpeciall counſale and deviſe' of George Buchannane of that Ilk, having purchaſed a Commiſſion of Juſticiary, for purſuit of the Clangregour, their reſetters and aſſiſters, with fire and ſword, containing charges for convening the lieges to concur and aſſiſt him in its executioun; 'quhilk Commiſſioun the ſaid Robert hes not purcheſt vpoun ane intentioun to attempt ony thing aganis the Clangregour, bot vndir cullour thairof to extend thair haitrent and malice againſt Alexander Col-

[1] Whether in terms of the law, or in opposition to it.

HOUN *of Luss* and ALLAN (AWLAY) M^cCAULA *of Ardincaple*, thair kin and freindis, with all extremitie; and vndir cullour of fercheing and feiking of the Clangregour, to affege thair houffes and rais fyre thairin; quhairof he hes alreddy gevin a fufficient pruffe, be the convocating of the haill name of Buchannane, for the maift parte in armes, (with quhome the faid Allane ftandis vndir deidlie feid,) and be quhais pouer and force he proceidis in all his actionis, &c. And albeit thay ar na les willing to perfew the Clangregour, with thair haill pouer and force nor (*than*) the faid Robert is, yit thai dar nocht ryfe and accumpany the faid Robert to that effect, for feir of thair lyveis; in refpect of the deidlie feid ftanding betuix the faid Alexander Colhoun of Lufs and the faid Robert, throu the flauchter of vmq^le Donald McNeill McFarlane, houfhald feruand to the faid Robert, committit be the faid Alexanderis vmq^le bruthir; quhilk feid yit ftandis betuix thair houffis vnreconfiliat, and the faid Laird of Culcreuch daylie awaittis all occafionis to revenge the fame; and in refpect of the feid laitlie renewit betuix the faid Laird of Ardincaple and the Buchannanis, with quhais pouer, counfale and force the faid Robert is affifted, in executioun of the faid Commiffioun, vfing thair aduife and directioun in all thingis thairanent; as alfwa, in refpect of the grite grudge and haitrent ftanding lykwayis betuix the faid Laird of Ardincaple and the faid Robert, quha haueing bereft his awin moder, quhome the faid Laird of Ardincaple hes now maryt, of hir haill leving, he hes be ordour of law recouerit the fame furth of his hands; for the quhilk caus, the faid Robert feikis to haue his advantage of him, hes gevin vp kindnes, and denunceit his euill-will to him with folempne vowis of revenge.' On complaint made, 'the Kingis Maieftie, with auife of the Lordis of his Secreit Counfale, in refpect of the euill will and inimitie ftanding betuix the foirfaidis pairteis, thair kin and freindis, &c.; and pairtlie, for the flauchtir of vmq^le Petir Colhoun, committit be Johnne Buchannane Shereff-depute to the faid Robert Galbraith, be vertew of a Commiffioun, as he allegeit, EXEMIS (*exempts*) the faid Alexander Colquhoun and Allane Macaula, thair kin, &c. fra all ryfing, convening or affifting the faid Robert, in putting the faid Commiffioun to executioun; and decernis the fame, in fa fer as it is extendit to the fercheing or feiking of the Clangregour within thair houffis, to be fufpendit and difchargeit *fimpliciter*, in tyme cuming.'

(*Eodem die.*)—PATRIK HEPBURNE of Richartoun, Thomas his bruthir, Niniane Huik his feruand and Williame Otterburne feruand to vmq^le Alex. O., were ordained to be denounced rebels, for coming, 'with Williame Anderfone, prefentlie in the Tolbuith of Edinburgh in waird, and thair complices, all bodin in feir of weir, with jakkis, fteilbonettis, vpone the xj day of Februare laftbipaft, about ten houris at evin or thairby, vnder filence and cloud of nycht, to the

toun of Babertoun, quhair vmq^le Alexander Borthuik, fone to Adame B. in Wefter Haillis, and vmq^le James B. thair freind and kynifman, wer liand in the faid vmq^le Alexanderis hous, in thair beddis, dredand na evill, &c.; the faid Patrik and his complices foirfaidis, maift crewallie and barberouflie rafit fyre in the houffis and chalmer quhair the faidis vmq^le Alexander and James lay, and brunt the famin houffis and chalmer, with certane vther houffis adjacent thairto; of fett purpois and prouifioun to haif bereft thame of thair lyves: And the faidis vmq^le Alexander and James and thair famelie, for efchewing of the faid fyre, come furth of the faidis houffis, quhair the faidis perfonis maift tyrannouflie fett vpone thame, hurt and woundit findrie of thair feruandis, bairnis and wyffis, crewallie and vnmercyfullie murdreift and flew the faidis vmq^le Alexander and James, as alfo hurt and woundit Margaret Hoig, fpous to the faid Alexander, quha is yit in grit danger of hir lyff; committing thairthrow ane maift hie cryme of Treffoun aganis his Maieftie, to the great contempt of God, his hienes authoritie,' &c.

(May 8.)—Johnne Lord Fleming ordained to be denounced rebel, for not appearing to find furety to 'compear before the Juftice on May xxj, under the pain of 10,000 pundis,' to underly the law 'for beiring, weiring and fchuitting with hagbuttis and piftolettis, and wounding of findrie his hienes fubjectis, vpone the . . day of Aprile laftbepaft.'

(*Eodem die.*)—Robert Galbraith of Kilcrewch ordained to be denounced rebel, for not finding fecurity in terms of the General Band; 'that he, be him felf, and all fic as he is obleift to anfwer for, fould be anfwerable to juftice and fatisfie pairteis fkaithit, vnder the pane of 2000 pundis; and forder, that thay fould not reffett, fupplie nor intercommoun with ony perfoun of the furname of *Buchannane, Makgregour* nor *Makfarlane*, quhilkis ar declairit fra his hienes lawis, or denunceit to the horne for criminall cauffis; nor furneife thame meit, drink, hous nor harbery,' &c.

(*Eodem die.*)—The Commendatair of Sanct Colmes Inche ordained to be denounced for not appearing perfonally, and for not prefenting Thomas Inglis his fervant, 'to haue anfuerit to fic thingis as fould haue bene inquirit of thame, tuicheing thair treffounable reffett, fupplie and intercommouning with Frances fumtyme Erll Bothuile,' &c.

(May 12.)—The Inhabitants of Kelso, except Williame Lauder, having come in his Majefty's will for the treafonable refet, fupplying and intercommuning with 'Frances fumtyme Erll of Bothuill and his complices, at diuerfe and findrie tymes, fen the proces and dome of forfalture led aganis thame;' they find fecurity that they fhall 'fatisfie his Maiefteis will, in filuer, prouiding the fame his will exceid not the fowme of 2000 merkis money.'

(May 17.)—ALEXANDER LEVINGTOUN of Pantoſkane ordained to be denounced rebel, for not appearing to anſwer 'tuicheing his treſſounable reſſett, ſupplie and intercommoning' with the Earl of Bothwell and his accomplices, &c.

(*Eodem die.*)—THE KING'S WILL towards THE INHABITANTS OF KELSO was this day formally declared, viz. 'That the preſent haill Inhabitantes of the ſaid toun and thair poſtèritie ſalbe freelie pardonit and remittit, &c.; and that thir preſentis be als ſufficient for the ſuretie of thair lyves, landis and guidis, as giff the ſame wes paſt in forme of Remiſſioun vnder the Grite Seill, with all ſolempniteis requiſite: And ſiclyke, that the ſaidis perſonis ſall mak payment to his Maieſteis theſaurar of the ſoum of ſevintene hundreth merkis money; and forder, that thay ſall find cautioun actit in the buikis of Secreit Counſall, that thay ſall not reſſett, ſupple nor intercommoun with the ſaid ſumtyme Erll nor his compliceis, furneis thame meit, drink, houſe nor harbery, nor haue intelligence with thame, priuatlie nor publictlie, in tyme cuming, vndir quhatſumeuir cullour or pretence; vnder the pane of tua thouſand pundis.'

(May 24.)—The Provoſt, bailies, council and community of THE BURGH OF PERTH make complaint, that notwithſtanding their having ſubmitted the adjuſtment of all differences between them and ROBERT BRUCE of Clakmannane 'to certane of his awin freindis, well affected to the removing thairof, and to the Kingis Maieſtie as owerſinan,' yet that 'Johnne Wilſone and Johnne Nevene, with certane vtheris honeſt burgeſſis and inhabitantes of the ſaid burgh, paſſing toward the cietie of St Androſe to the mercat thairof, in quiet and peceable maner, laitlie, vpone the xxiij day of Aprile inſtant, wer vnbeſett at the cobill[1] of Rind, in thair hie way, be the ſaid Lard of Clakmannane, accumpanyit with nyne horſemen and futemen, bodin with hagbuttis, jakkis and vther airmour, and be thame maiſt cruellie and vnmercyfullie perſewit for thair bodelie harmes and ſlauchteris: Lykas, the ſaidis Johnne Wilſone and Johnne Nevene, being baith hurt and woundit in diuerſe and ſindrie pairtis of thair bodyis, to the effuſioun of thair bluid in grit quantitie; the ſaid Lard and his complices maiſt ſchamefullie tirrit[2] thame baith naikit, and in maiſt barberous and diſdainefull maner ſkurgit thame with horſe brydillis throw the toun of Abernethie, as gif thay had bene thevis or haynous malefactouris, left the ſaid Johnne Nevene liand thair for deid, and tuik the ſaid Johnne Wilſone, naikit, as captiue and priſſonner, away with thame, to quhat place the ſaidis compleinaris knawis nocht, nather ar certane quhidder he be deid or leavand; vſurpand thairthrow vpone thame his hienes authoritie, to the manifeſt and proud contempt thairof, miſregaird of all law and juſtice, and evill example of vtheris to commit the lyk barbaretie and inſolence, vpone the guid and obedient ſubiectis.'—The Laird

[1] Ferry-boat station, near the confluence of the rivers Earn and Tay. [2] Violently stripped. Fr. *tirer*.

was charged to appear before the King and Council to anſwer for his conduct, and failing, is ordained to be denounced rebel. 'Johnne Erll of Gowry Proveſt of the ſaid brugh' appears to plead the cauſe of the inhabitants of Perth.

(*Eodem die.*)—Warrant is granted to 'Williame Ker of Cesfurd Wardane of the Middill Marche, and James Dowglas of Caveris Shereff of Roxburgh, and their depuittis, to pas ſeirch, tak and apprehend Sir Johnne Ker of Hirſell, kny', (quha being excommunicat and out frome the cumpany and ſocietie of the faithfull, as alſua denunceit rebell, and put to the horne of a lang tyme bigane, hes remanit at the proces thairof ſenſyne, as he dois yit, vnrelaxit; and reſoirt-and to and fra in the cuntrie, as gif he wer his henes fre ſubiect; and continew-and in his filthie cryme of Adulterie, for the quhilk he wes excommunicat, &c.) quhaireuir he may be apprehendit within thair boundis and juriſdictioun; and bring and preſent him befoir his Maieſtie and Counſaill, or befoir his Juſtice or his depuittis, to be puneiſt for his demerittis,' &c.

(May 26.)—Alexander Lord Levingſtoun and Williame L. fear of Kilſyth become ſureties for Johnne Lord Flemyng, that he 'ſall pas and enter his perſoun in waird, within the boundis of the ſcherefdome of Striueling, within thre dayes nixt efter the dait heirof; and remane and keip ward thairin, and not tranſcend the boundis thairof, ay and quhill he be fred be the Kingis Maieſtie, with auiſe of his Counſale, vnder the pane of 10,000 pundis.'

[*Adam Bishop of Orkney, Alexander Commendator of Culros, Eduard Commendator of Kinloss, James Lord Lindsey, Adam Lord Vrquhart, Sir Robert Melville of Murdocarny, kn', specially appointed by a Commission from Parliament.*]

Treasonable Conspiracy against the King—Invasion of the Palaces of Holyroodhouse and Falkland, &c.

Jun. 1.—Frances ſumtyme Erll Bothuile,[1] Gilbert Penniecuik, Johnne Rutherfurde of Hunthill elder, Thomas Rutherfurde of Hunthill younger, Symon Armeſtrang younger of Quhithauch.

Being ſummoned, 'for certane crymes of Treaſone and Leſemajeſtie,' the Advocate produced the ſummons and executions, with Letters of Relaxation, Mar. 16, 1592-3, bearing Bothwell 'to be relaxit fra the proceſs of Horning led aganis him.'

(Jul. 16.)—The 'reaſone and caus contenit in the ſame ſummondis' is found relevant; and the Advocate declared, 'that he ſuld vſe his probatioun with all expedition.'

[1] See Acts of Parl. 1593, &c.

[*REGE ipso presente, cum omnibus regni statibus.*]

PERSEWARIS, Mr Dauid McGill and Mr Johnne Skene, Aduocatis to our fouerane lord.

(Jul. 21.)—M^ris David Makgill and Johnne Skene, Advocattis to oure fouerane lord, for verefeing of the faid reafone contenit in the faid Summondis of Treffone rafit aganis the faid Frances fumtyme Erll Bothuill, producit and repetit the Extract of the Foirfaltour, led and pronuncit befoir the Juftice and his deputtis, aganis the faid Frances fumtyme Erll Bothuill, fubfcryuit be the Laird of Ormeiftoune Juftice Clerk, of the dait the xxv day of Junij the yeir of God 1591, Depofitionis of certane witneffes examinat befoir the faidis Lordis of Articles in the faid mater; the notorietie of the deid libellit; and the cuming of the defendaris in to the Palice of Halyruidhous and Falkland, the tymes libellit; quhilk in materis of hie Treffone fuld mak full probatioun; and that the Lordis of Parliament, being the greit Affyis of the cuntrie, of the daly practik; quhatfumeuir perfonis clengis nocht, of certane knawlege, the perfonis accufit, he fylis thame: And the commoun notorietie of this fact and treffone libellit, and contumacie of the defendar, is fufficient to mak na man to clenge him: And was content the foirfaid procefs and Summondis of Treffone wer haldin concludit; and defyrit the Eftatis to aduife the procefs and to pronunce thair Sentence of Parliament thairintill, according to the faidis probationis and thair confciences. And immediatlie thaireftir the faidis aduocattis exhibite and producit befoir the Kingis Maieftie and haill Eftaitis, lyk as thai did dyuerfe tymes ofbefoir, the Summondis of Treffone vndirwrittin, rafit and perfewit at the inftance of oure fouerane lord his hienes Juftice, aganis Frances fumtyme Erll Bothuile, quhairby he was funmond to compeir befoir our fouerane lord the thrid day of Aprile, fourfcoir threttene yeiris inftant with continewatioun of dayis, to haue anfuerit to the poyntis of Treffone vndirwrittin, contenit in the faidis Summondis: Off the quhilkis Summondis the tennour followis.

SUMMONS OF TREASON *against* FRANCIS *sometime* EARL BOTHWELL *and others.*

JACOBUS, Dei gratia Rex Scotorum, dilectis noftris Leoni Regi armorum, Ilay, Albany, Rofs, Rothefay, Snawdoun, Merchemont, herauldis; Johanni Ferguffone, Roberto Stewart, Alexandro Douglas et Dauidi Bryffoun, clauigeris; Ormond, Bute, Vnicorne, Carrik, figniferis et nunciis, ac eorum cuilibet, coniunctim et diuifim, vicecomitibus noftris in hac parte fpecialiter conftitutis: Salutem. Mandamus vobis et precipimus quatenus fummoneatis legittime et peremptorie coram teftibus, Franfcifcum olim Comitem de Bothuile, Gilbertum Pennycuke, Johannem Rutherfurde de Hunthill feniorem, Thomam Rutherfurde de Hunthill juniorem, Simonem Armeftrang juniorem de Quhithauche, Confpiratores, perpetratores et celatores criminum Lefe Maieftatis fubfequentium, perfonaliter, fi eorum perfonales prefentias commode habere poteritis, alioquin apud loca eorum habitationum, vel per publicam proclamationem, apud cruces forales burgorum noftrorum de Edinburgh, Hadington, Jedburgh, aliaque loca neceffaria; degentes vero feu exiftentes extra regnum noftrum, feu certum nullum domicilium in eodem habentes, apud dictas cruces forales aliaque loca neceffaria, fuper premoni-

tione ſexaginta dierum, ſic quod huiuſmodi ſummonitio ad eorum aures et notitiam vereſimiliter preuenire poterit; quod compareant coram nobis ſeu Juſticiario noſtro primo die menſis Junij proxime ſequen. in noſtro Parliamento apud Ed^r tertio die menſis Aprilis ſequen. Tenen. hora cauſarum cum continuatione dierum, ad reſpondendum nobis noſtroue Juſticiario, in prefato Parliamento, ſuper proditorijs criminibus ſubſequentibus. In primis, dictos ſcilicet Franſciſcum olim Comitem de Bothuile, &c. et eorum quemlibet, pro ſua proditoria arte, parte, conſilio, in ipſorum proditoria Conſpiratione, conſultatione et concluſione horrendi facinoris contra noſtram honorabilem perſonam et vitam, per dictas perſonas commiſſ. xxvii. die menſis Decembris, anno domini 1591, ſub noctis ſilentio, in ipſorum proditoria Invaſione Palacii noſtri de Halyruidhous, intrando ibidem cum aſſiſtantia, conſortio et convocatione, aliarumque homicidarum, oppreſſorum, latronum ac hujuſmodi inſolentum virorum armatorum et a legibus noſtris fugitiuorum, et deliberato animo et certa intentione violentas manus in noſtram regiam perſonam imponere, vt vitam noſtram vel nefarie extinguerent vel nos captiuos ſecum deducerent: Et ad hunc effectum, prefati Conſpiratores directe acceſſerunt ad noſtram priuatum conclaue ſeu cubiculum, et oſtijs ignem nefarie iniecerunt, domeſticos noſtros preſenti violenta morte minitando objurgandoque, niſi ipſis declararent vbi nos eſſemus, nulla vnquam inquiſitione per eos facta ob quamcunque aliam perſonam niſi propter noſmet ipſos: Ac preterea, violenter effregerunt malleis, oſtia interioris cubiculi Regine noſtre chariſſime coniugis; atque demum, vbi parum ſe promouiſſe et ad illorum inviſitatum ſcelus ad propoſitum nefandum peruenire non poſſe, intellexerunt, in eorum regreſſu nondum ſatisfacti, crudeliter et ſine vlla miſericordia domeſticos et familiariſſimos noſtros ſeruitores ob noſtram cauſam interfecerunt et jugulauerunt: Hinc manifeſtiſſime crimen Summe Proditionis contra nos, noſtram vitam, authoritatem regiam et leges committendo. Secundo, prefatos Franſciſcum olim Comitem de Bothuile, &c. Et eorum quemlibet, pro ſua proditoria arte, parte, auxilio et conſilio, in ſua proditoria Conſpiratione, conſultatione et concluſione horrendi facinoris contra noſtram honorabilem perſonam et vitam per dictos Conſpiratores commiſſ. xxviij die menſis Junij anno domini 1592, in ipſorum proditoria Invaſione Palacij noſtri de Falkland intra vicecomitatem noſtrum de Fyff, nobis ibidem intus pro tempore exiſtentibus, accedendo ibidem cum aſſiſtentia et concurſu homicidarum oppreſſorum, latronum, declaratorum proditorum et hujuſmodi inſolentium virorum armatorum et a legibus noſtris fugitiuorum, ex deliberato animo et certa intentione violentas manus in noſtram regiam perſonam imponere, vt vitam noſtram vel nefarie extinguerent, vel nos captiuos ſecum deducerent: Et ad hunc effectum, predicti Conſpiratores cum ſuis ſociis acceſſerunt ad poſticum dicti noſtri Palacij, ejaculando tormenta ferea, et hujuſmodi machinas eneas violenter idem poſticum oppugnarunt, vt eo dirupto, facilius ingreſſ. prefatam ſuam coniurationem et horrendum facinus inceptum complerent: Hinc manifeſtiſſime crimen Summe proditionis contra nos, noſtram vitam, authoritatem regiam et leges committendo; atque adeo, pro ipſorum proditoria celatione et occultatione prefate Coniurationis, conſultatione, concluſione et executione eiuſdem. Tertio, commemoratos Johannem Rutherfurde dom. de Hunthill feniorem, et dom. juniorem, Simonem Armeſtrang juniorem de Quhithauche, et eorum quemlibet, pro ſua proditoria receptione et auxilio preſtito dicto Franciſco olim comiti de Bothuill; et pro eorum proditoria aſſiſtantia, participatione et intercommunicatione cum prefato Franciſco et ſuis complicibus, noſtris proditoribus declaratis, contra leges et ſtatuta regni noſtri; idque in menſibus Aprilis, Maij, Junij, Julij, Auguſti, Septembris, Januarij, Februarij, Marcij, anno domini 1592, et eorum quolibet reſpectiue, in locis de Hunthill, Jed, Hawik, Liddiſdaill: Hinc manifeſtiſſime crimen Proditionis contra nos, noſtramque vitam, auctoritatem regiam et leges regni noſtri committendo; atque adeo, pro ipſorum proditoria celatione et occultatione predicte ſue intercommunicationis, receptionis et auxilij ſupraſpecificat. Quarto, prefatum Symonem Armeſtrang, pro ſua proditoria arte parte et conſilio in executendo monetam adulterinam domi ſue de Boyne in Liddiſdaill. in menſibus Aprilis, Maij, Junij, Julij, Auguſtj, Septembris, Octobris, Novembris, Decembris, Januarij, Februarij et Marcij, et quolibet eorum, anno domini 1591: Hinc manifeſtiſſime crimen Summe Proditionis contra nos auctoritatem re-

giam et leges regni noſtri committendo; atque adeo, pro ſua celatione et occulatione eiuſdem. IDEOQUE, ſupraſcriptos Conſpiratores ad videndum et audiendum ſeſe et eorum quemlibet, reſpectu premiſſorum, crimen Leſe Majeſtatis incurriſſe, per nos et trium regni noſtri ſtatuum decretum decerni et declarari: et ſuper predictis et alijs quamplurimis rebellionibus et tranſgreſſionibus et proditoriis criminibus per prenominatas perſonas, contra nos, regnum noſtrum, auctoritatem regiam impie et nefarie perpetratis; et dictis die et loco, cum continuatione dierum, proponendis et oſtendendis ac juri parendum, et ſuper hujuſmodi iudicium noſtrum et noſtri Parliamenti, ſecundum leges regni noſtri exſpectandum et ſubeundum, dictas viz. perſonas Conſpiratores, perpetratores et celatores criminum precedentium, ad videndum et audiendum ſeſe et eorem quemlibet, intuitu premiſſorum, crimen Leſe Maieſtatis incuriſſe, per nos et trium regni noſtri ſtatuum decretum decerni et declarari; et propterea, ipſorum bona, mobilia et immobilia, tam teras quam officia aliaſque res ad eos ſpectantes, nobis confiſcari et pro perpetuo nobiſcum in proprietate remanere, perſonaſque ſuas penam proditionis et vltimi ſupplicij a regni noſtri legibus inflictum ſubire; et vberius in premiſſis reſpondendum et juri parendum: Intimando ſupradictis Conſpiratoribus eorumque cuilibet, quod ſiue dictis die et loco cum continuatione dierum comparuerint ſiue non, nos, dictuſque noſtri Juſticiarius in premiſſis, juſticia mediante, procedemus et procedet. INSUPER citetis, &c. ad comparendum coram nobis noſtroue Juſticiario dictis die et loco, cum continuatione dierum, ad perhibendum fidele teſtimonium in cauſa predicta, indorſatas earundem latori reddatis; et vos qui preſentes executi fueritis ſitis ibidem dictis die et loco coram nobis ſeu dicto noſtro Juſticiario, portan. vobiſcum ſummonitionis veſtre teſtimonium in ſcriptis pro premiſſis ſeu ipſos teſtes: Ad quod faciendum vobis et veſtrum cuilibet coniunctim et diviſim vicecomitibus noſtris in hac parte committimus poteſtatem. DATUM ſub teſtimonio noſtri Magni ſigilli Apud Edinburghe, vigeſimo tertio die menſis Marcij, anno domini milleſimo quingenteſimo nonageſimo ſecundo, et regni noſtri vigeſimo ſexto.

Quhilkis Summondis, with the executionis and indorſationis thairof reſpectiue foirſaid, being this inſtant day red, in preſence of his Maieſtie and haill Eſtaitis of Parliament, firſt in Latyne and ſyne in Scottis, and the ſaid Frances ſumtyme Erll Bothuile being oftymes callit of new, at the Tolbuith window of the ſaid burgh of Edinburghe, to haue comperit and anſuerit to the ſaid Summondis and reſſonis contenit thairin: And he nocht comperand to haue defendit in the ſaid mater and to haue anſuerit to the ſaidis Summondis, the ſaidis aduocattis to his Maieſtie, deſyrit the ſaidis Eſtaitis declarationn, gif the reaſones of the ſaidis Summondis wer relevant aganis the ſaid Erll Bothuile; quhilkis Eſtatis all in one voce fand the ſame relevant aganis him. Thairfoir, the ſaidis aduocattis of new, for verefeing of the ſaid reſſones contenit in the ſaid Summondis of Treſſone, producit and repetit the extract of Forfaltour led befoir the Juſtice and his depuittis aganis the ſaid Frances ſumtyme Erll Bothuill, Depoſitionis of the ſaidis witneſſes, notorietie of the factis, and repetit the haill probationis repetit be him ofbefoir in the ſaid mater this inſtant day, and deſyrit the ſaidis Eſtaitis of Parliament to aduiſe the Depoſitionis of the ſaidis witneſſes and vtheris probationis, and to pronunce thair Sentence of Parliament thairintill, according to the ſamyn probationis and thair conſciences: And thaireftir, the Depoſitionis of the haill witneſſes execut to the death, and of the witneſſes examinat in preſence of the ſaidis Lordis of Articles, haill wreittis and probationis, being red, ſene and

conſidderit be the ſaidis haill Eſtaitis of Parliament, in preſence of the Kingis Maieſtie, and thay thairwith being ryiplie aduyſit, the ſaidis Lordis and Eſtaitis of Parliament findis, decernis and declaris, that the ſaid Frances ſumtyme Erll Bothuile hes committit and done oppin and manifeſt Treſſoun aganis our ſaid ſouerane lord, in all pointis and articles contenit in the ſaid Summondis: And thairfoir it was gevin for dome, be the mouth of James Neiſbit dempſter of Parliament, in maner and forme as followis.

Doom of Forfeiture. This Court of Parliament ſchawis for law, that the ſaid Frances ſumtyme Erll Bothuile hes committit and incurrit the crymes of Treſſone and Leſe-Maieſtie abonewrittin, in maner at lenth contenit in the reſſonis of the ſaidis Summondis. And thairfoir, decernis and declaris all his guidis moveable and vnmoveable, alſweill landis as offices and vtheris thingis quhatſumeuir belangand vnto him, to be confiſcat to our ſouerane lord, and to remane perpetuallie with his hienes in propirtie, in tyme cumming; and his perſoun to vnderly the pane of Treſſone, and vtter pvniſhement appointit be the lawis of this realme. And this I gif for dome.

(Jun. 21.)—James Gray, ſone to Patrik Lord Gray, ordained to be denounced rebel, for not appearing this day, to have anſwered 'vpoun his contemptuous reviſſing and taking be force and violence of Katherene Carnegy, dochter to Johnne Carnegy of that Ilk, furth of the hous of Robert Jouſſy merchand in Edinburgh, and carying of hir away and keiping hir captiue aganis hir will; committit vpoun the tent day of Junii inſtant; and als to have exhibite and preſentit the ſaid Katherene the ſaid day, &c. to be putt to libertie,' &c.

(*Eodem die.*)—Schir James Johnnestoun of Dunſkellie knicht, ordained to be denounced rebel, for not appearing to have anſwered 'to ſic thingis as ſould haue bene inquirit of him at his cuming, tuicheing his treſſonnable breking of warde furth the Caſtell of Edinburgh,' &c.

(*Eodem die.*)—George Smollett burges of Dunbartane, ordained to be denounced rebel, for not appearing to anſwer certain charges at the inſtance of the Provoſts, bailies and community of the burghs of Glasgow and Renfrew, in regard that the ſaid George had, 'vpoun ſum ſiniſter and wrang informatioun maid to his hienes, laitlie purcheſt ane priuey Letter or Commiſſioun vndir his hienes ſubſcriptioun and ſignet allanerlie, without auiſe of Counſale, tryale, cognitioun, or ony vthir proces preceding; vnder cullour quhairof, haueing aſſociate vnto him ſelff certane deboſheit men and vagaboundis, he not only maiſterfullie and perforce oppreſſes and revis the guidis and beſtiall, clething and vtheris wairis, brocht be the Inhabitantis of the Ilis and vthiris pairtis of the Hielandis to the ſaid burrowis, baith be ſey and land; bot takis, apprehendis and impreſonis thair perſonis, and ſumtymes perſewis thame ſelffis be way of deid:

Quhairvpoun, the cheiff perſonis and vtheris inhabitantis of the ſaidis Hielandis, hes conſauit ſic haitrent and malice aganis the ſaidis complenaris, in particulair, as gif thay wer authouris and allowaris of this forme of doing, that thay haue denunceit thair inimitie and ewill will to thame, takin alreddy ſum of thair nichtbouris priſonairis, intromettit with thair guidis, and avowit to vſe all kynd of rigour and extremitie aganis thame; quhairby, not onlie ar thay liklie to be defraudit and diſapointit of that mutuall interchange quhilk hes bene had amangis thame, to the commoun benefeit of the haill inhabitantis of the Laulandis and in-cuntrey, bot be tyme, Ciuile weir is lyklie to follow, to the brek of the peax, and bringing on of mony inconvenientis, giff tymous remeid be nocht prouidit.' The King and Privy Council likewise diſcharged the Commiſſion, and decerned the ſame to ceaſe.

(Jun. 25.)—Johnne Lord Hammiltoun gets a ſuſpenſion of Letters raiſed at the inſtance of Abacuch Biſſett,[1] 'becaus the ſaid Lord hes found cautioun, that he ſall remove, expell and hald the ſaid Mr Patrik Hammiltoun furth of his landis, rowmes, poſſeſſionis and baillierais, during the tyme of his rebellioun, conforme to the Generall Band, vndir the pane of 1000 merkis.'

(Jun. 28.)—Thomas Kirkpatrik of Cloſburne, his kin, friends, &c. exempted from the juriſdiction of 'Wardanerie and Juſticiarie of Johnne Lord Maxuell, and fra all ryſing, convening or accumpanying of him or his deputis, to ony dayis of trew heireſtir:' 'Becauſe it is of veritie, as it is notour, that the ſaid Lord and the ſaid complenair (Cloſeburn), thair kin and freindis, preſentlie ſtandis vndir termes of vnfreindſchip and inimitie; and kyndnes and freindſchip is gevin vp betuix thame, inſafer as not onlie hes the ſaid Lord tane vpone him the patrocinie and defens of all the ſaid complenaris vnfreindis, bot alſwa, be all indirect meanis, hes huntit for his lyffe, and daylie awaittis the occaſioun to bereve the ſaid complenair of his lyffe; as namelie, vpoun the thrid day of Aprile laſt, the ſaid Lord conuocat and aſſemblit togidder of his kin and freindſchip, the noumer of tua hundreth perſonis or thairby, and directit thame to the ſaid complenaris landis of Rouch Ile, to haue diſpoſſeſt him thairfra, vpoun intentioun alwayes, gif the ſaid complenair had cum to reſiſt thame, to haue bereft him of his lyffe; and ſenſyne, Thomas Greir of Barjarge and Gilbert Greir of Drum, men tennentis and ſeruandis to the ſaid Lord, with conuocatioun of vtheris his freindis and ſeruandis, to the noumer of foureſcoir perſonis or thairby, bodin in feir of weir, off the ſaid Lordis ſpeciall cauſing, &c. come to Bardannauch, being within the ſchoit of ane hacquebute to the complenaris landis of Rough Ile, and diſchargeit ane grite noumer of hacquebutis and piſtolettis at

[1] See Apr. 12, 1593.

him and his ſeruandis, and had not faillit to haue ſlane him, wer nocht he wes the bettir accumpanyit for the tyme: Lykas, vpoun the laſt day of Aprile, the ſaid complenair haueing directit certane of his freindis and ſeruandis to the burgh of Drumfreis, for ſindrie his effearis, the ſaid Lord, vpoun aduertiſment thairof, directit xxiiij of his men and ſeruandis, quha ſercheit and ſocht the ſaid complenaris ſeruandis throw all pairtis of the ſaid burgh, quhair thay wer accuſtumat to hant and repair, ſtoggit beddis, and had not faillit to haue ſlane his ſeruandis, gif thay had bene apprehendit; and at that ſame tyme thay cruellie hurte Johnne M'Mudie, ſeruand to the Gudeman of Kerſe, the ſaid complenaris couſing. In reſpect quhairof, the ſaidis complenaris dar nocht ryſe, convene nor accumpany the ſaid Lord, vnles thay wald mak conuocatioun of thair haill kin and freindſchip, quhairvpoun ſum grite inconuenientis will not faill to fall oute, without remeid be prouydit.'—Lord Maxwell, though charged, failed to appear before the Council; but Cloſeburn 'comperit be Roger Kirkpatrik his bruthir.'

(Jul. 5.)—Schir Archibald Stirling of Keir, Matheu Colhoun his ſeruand, James Kinros feuar of Kippanros, and George Muſſhett of Tolgarth, were ordained to be denounced rebels, for failing to have appeared and anſwered 'twicheing the ſlauchter of vmq^le Williame Sinclair of Galduadmoir, Eduard and George Sinclairis his ſonis, committit vpoun the thrid day of Junij laſt.'

(Jul. 7.)—An Act anent the weiring of Hacquebutis and piſtollettis paſſed. It is ſtated that the former ordinances had been diſregarded, 'quhairthrow vile murthouris and frequent ſlauchteris hes not onlie bene committit within Kirkis and vthiris placeis, ower all pairtis of this realme, bot evin within the burgh of Edinburgh and ſuburbis thairof, eweſt to his hienes Palace and place of reſidence, to the grite haſaird of his awine perſone,' &c. It then ſtates various modes by which noblemen and others were drawn into ſtreet brawls and 'deidlie feidis' by ſwaggering and turbulent perſons, 'quhilkis wickit and vnhappy ſpirittis lykwayes ceiſſis not to make and tell leſingis betuix his hienes, his nobilitie and gude ſubiectis, be previe or oppin ſpeichis, and ſumtymes be famous libelles and rymes diſperſit or affixt, alwayes of mynd to ſaw and foſter diſcord and diſſenſion,' &c. Command is therefore given to the Provoſt and bailies of Edinburgh and ſuburbs, and their officers 'the Capitane of his hienes Gaird, officiaris and Archearis of the ſame, and vtheris appointit for gaird during the tyme of this preſent Parliament, the Maiſter of his hienes Palice, and portair of the ſame, and all thair deputis, to ſerche and ſeik for all hacquebutis and piſtolettis borne, worne or ſchoitt within his hienes Palice or vtheris place of reſidence, or in the burgh of Edinburgh or ſuburbis thairof, and to take and intromett with the ſame, and to eſcheate the ſame to the behuif of the apprehendaris;

and convoy the perſonis of the beararis, weiraris and ſchuittaris to his hienes warde and preſoun,' &c.

Deletioun of Williame Gordoun *of Auchindore furth of the Summondis of Foirfaltour.*

(Jul. 21.)—Comperit perſonallie, Mr Johnne Skene, aduocatt to our ſouerane lord, and producit ane writting ſubſcryuit be his Maieſtie;[1] off the quhilk the tennour followis.

'Rex,

'Mr Dauid M^c^Gill and Mr Johnne Skene, our ordiner Aduocattis, We greit ȝow weill: Forſamekle as We vnderſtand, be veray credible narration maid to ws, that Williame Gordoun of Auchindore is altogidder innocent of the crymes ffor the quhilkis he is atteichit to be foirfalt, in this our Parliament, contenit in the Summondis of Treaſſone direct furth aganis him and certane vtheris thairanent: Quhairfoir, it is oure will, and We expreſſie command ȝow and ather of ȝow, that with all guidlie diligence ye obliterat and deleit the ſaid Williame Gordoun, name and ſurename, with his ſtyle, furth of the ſaidis Summondis and executionis thairof, ſua that na kynd of proceſs be led aganis him at the ſaid Parliament, for ony cryme contenit thairin. And thir preſentis ſalbe ſufficient warrand to ȝow. Subſcriuit with our hand at Haliruidhous, the xvj day of Julij, and of our regnne the xxvj ȝeir, 1593.

'Sic ſubſcribitur, JAMES R.'

According to the quhilk writting, and for obedience of the ſamyn, the ſaid Mr Johnne Skene as aduocat to our ſouerane lord, and in his hienes preſence and eſtattis foirſaidis, deſyrit the Clerk of regiſter and his depuittis to deleit the ſaid Williame Gordoun furth of the Summondis of Treſſone and Leſe-maieſtie perſewit be his hienes aganis the ſaid Williame Gordoun of Auchindore and certain his complices, ffor the alleagit airt, pairt, counſaill and aſſiſtance, in the Birning *of the Houssis and Place of Dunybrissell*, committit vpoun the ſevint day of Februar I^m^V^c^ lxxxxj yeris, and cruell *Murthuring and Slaying of* James, Erll of Murray thairin: Quha at command of his hienes lettre, preſentlie in jugement, obliterat and delitit the ſaid Williame Gordoun of Auchindoris name, ſurname and ſtile, furth of the bodie of the ſaid Summondis of Treſſone and executionis thairof. Quhairvpoun Mr Johnne Demſter, aduocat, in name and behalf of the ſaid Williame Gordoun, aſkit inſtrumentis.

(Jul. 21.)—The quhilk day, in preſence of the Kingis Maieſtie and Eſtaites of this preſent Parliament,[2] comperit Johnne Leſlie of Balquhane, and producit the offeris vnderwrittin, for the pairt of Williame Erll of Angus, George Erll of Huntlie, Francis Erll of Erroll, Schir Patrik Gordoun of Auchindoun, kny^t^, and Schir James Chiſholme of Dundurne, knicht, perſonis dilatit and ſuſpectit of the crymes of Leſemajeſtie: off the quhilkis offeris, the tennour followis.

[1] See Acta Parl. A.D. 1593, fol. 15, &c.; see also March 9, 1592-3. [2] Ibid.

Offerris *presentit to the Estaitis, be the Laird of Balquhane, in name of the* Erllis *of* Angus, Huntlie *and* Erroll, *and vtheris.*

In the ffirſt, fforſamekle as the ſaidis perſonis ar Indytit and accuſit of Leſemajeſtie, for conſulting and concluding for the inbringing of ſtrangearis and ſubuerſioun of the Religioun, at lenth contenit in þair Summondis of Foirfaltrie, gif it will pleis 3our Maieſtie and Eſtaitis, to ſelect and cheis certane ather of 3our Maieſties Counſaill or Parliament, to intreat and commoun, ather with the ſaidis perſonis thame ſelffis or thair freindis, thay ſall nocht onlie declair and mak notifiit thair innocence, and ſchaw thair guid will and obedience to 3our Maieſtie and cuntrie; bot alſo, thay neuir meanit nor attemptit, nather directlie nor indirectlie, contrair 3our Maieſties perſoune, ſtait of þe cuntrie, nor Religioun publictlie proffeſſit thairintill. Item, efter the triall of þair innocence, to tak away all occaſioun of ſuſpitioune, the ſaidis perſonis offeris for continwance of thair dewtifull ſeruice vnto 3our Maieſtie in tyme cvming, that thay ſall neuir traffique nor haue intelligence with ony forreyne natioun or Prince, in hurt or preiudice of 3our Maieſties perſoun, eſtait, commoun weill and Religioune, bot to follow 3our Maieſtie in all tyme cuming, as 3our maiſt obedient and humble ſubiectis, aganis quhatſumeuir 3our Maieſties vnfreindis: And ſecuritie to be maid in ſic ſufficient forme as ſalbe thocht expedient. Item, 3our Maieſtie being ſatisfiit, for removing of all kynd of ſklander and euile conſauit opinioune be the Kirk aganis the ſaidis perſonis, thay ar content, efter commoning had with certane Miniſtrie, to be depute be your Maieſtie and Kirk to that effect, incace þai, efter reſſoning, may be throuchlie reſſoluit, nocht onlie to ſatisfie the Kirk for ony ſklander, bot alſo concerning the haill heidis and Articles of Religioune; vtherwayis, gif þai can nocht be throuchlie reſoluit, thay are content to depairt furth of the countrie, thair to remane during 3our Maieſties pleſour, or ay and quhill thay ſatisfie the Kirk in the premiſſis: And to that effect, and incaiſe foirſaid, maiſt humbly cravis 3our Maieſties licence. And in the meantyme, for 3our Maieſtie and Kirkis better ſatisfactioune, the ſaidis perſonis ſall remove out of thair cumpany all ſuſpect perſonis of Religioun.

Quhilkis being red, hard and conſiderit be þe ſaidis Eſtaitis, and thairwith being adwyſit, the foirſaidis Eſtaitis, for thair adviſe to his Maieſtie thairanent, ffindis it meit and expedient, incace the ſaidis noble men and vtheris foirſaidis, conforme nocht thame ſelffis vnto his Maieſtie and his lawis, preſentlie eſtabliſchit within this cuntrie, anent the Religioun profeſſit within the ſame, that his hienes grant thame Licence, vpoun thair humble ſute, to be maid to that effect, to pas furth of the cuntrie, vpoun ſic conditionis, and to ſic vnſuſpect places, as his hienes and his Counſaill ſall preſeriue and appoint: And incaiſe thay will nather conforme thame ſelffis, as ſaid is, vnto his hienes and to the Religioun pre-

ſentlie profeſſit, nather yit will pas furth of the countrie, conforme to the directionis to be gevin to thame; that his Maieſtie and his ſaid Counſaill tak ordour thairwith, as thay think maiſt meit for quieting of the cuntrie and Eſtait of Religioun. And in the meantyme, that thai remane vnder the Proces and Summondis of Foirfaltour, execut aganis thame in this preſent Parliament, quhill furder probatioun may be had and gottin of the crymes of Treſſone and Leſemajeſtie libellit aganis thame thairintill.[1]

(Jul. 26.)—An Act is paſſed 'in fauouris of THE ERLL BOTHUILL and his compliceis,' viz. Dame Margaret Douglas Counteſſe of Bothuill,[2] James Douglas of Spott, &c. Proclamation is ordered to be made, charging 'all his hienes liegis, that nane of thame tak vpoun hand to ſklander, murmour, reproche or bakbyte the perſonis abouewrittin or thair pairt-takaris, or onywayes moleſt or perſew thame, in bodyis or guidis, vpoun quhatſumeuir caus, cullour or cryme bigane.' And that Letters be directed to relax them from the proceſs of horn.

(Aug. 8.)—PROCLAMATION, relative to 'ane ſchip of Preſtoun laitlie arryvit in this Firth, cum furth of England, quhairin ar ſindrie perſonis and guidis ſuſpect to be infectit with the peſt.' The 'maiſteris, ſkipparis, marinaris,' &c. are charged 'to addreſſe thame ſelffis with the ſaid ſchip and guidis being thairin to Sanct Colmis Inche, and thair loiſe handle,[3] and remane with the ſame ſchip and guidis, vnto the tyme pruiff and tryale be had, giff thay be foule or cleane of this diſeaſe,' &c. Charge is likewiſe given to the liegis, to prevent communication with the ſhip.

(Sep. 11.)—'THE CHEIFFIS and Principallis of THE BRANCHEIS OF CLANNIS' are charged 'to enter plegeis, for keiping of guid reule in tyme cuming; vnder the pane of executioun of the ſaidis plegeis to the death, in caiſe of tranſgreſſioun and not redres maid be the perſonis offendaris, for quhome the ſaidis plegeis lyis,' &c.

(*Eodem die.*)—A PROCLAMATION, convening 'the Erllis, Lordis, &c. weill bodin in feir of weir, with tuentie dayis victuall and prouiſioun, to meit his hienes at Peblis, vpoun the firſt day of Nouember nixtocum,' for 'invaſioun of the cuntreyis eweſt THE BORDOURIS, perturbaris of the commoun quietnes of the realme; vndir the pane of tinſall of lyffe, landis and guidis.'

(*Eodem die.*)—A PROCLAMATION, 'to meit Ludouik Duke of Lennox, Erll

[1] Oct. 30, (*apud Lynlythgow.*)—A Commission is granted to John Lord Thirlstane, Chancellor, the Earls of Marischall, Mar, Montrose and Rothes, &c. 'to heir and conſider the Petitionis of the Erllis of Angus, Huntlie and Errole,' &c. Their decision was declared to be final. *Acta Parl*, fol. 44.— Jan. 18, 1593-4. They are declared to have amitted the benefit of the Act of Abolition, and that they be forthwith put to trial. *Acta Parl.* fol. 53.— Maii 20, 1594. The Advocates produced a Summons of Treason, but 'nane of thame comperit.' *Acta Parl.* fol. 55. And again on May 30. See farther proceedings, Jun. 8, 1594. [2] See her Trial for the rest of the names, May 4, 1592.
[3] And there unship their rudder and cast anchor.

Dernelie, Lord Tarboltoun, Methven and Aubigny his hienes Lieutennent, at Striuiling, on Nov. 1, for invaſioun, perſute and pvniſhement of the rebellious and contemptuus perſonis, Inhabitantis of THE HIELANDIS and cuntreyis adjacent thairto.' In terms of the former Proclamation.

(Sep. 12.)—A PROCLAMATION to the Juſtices and Commiſſioners appointed by Parliament, &c. 'to proceid and miniſter juſtice vpoun all ſtrang and idill BEGGARIS, vagaboundis, thevis and ſornaris, or thair reſſettaris and pairt-takaris in thair thifteous and wicked deidis; and being convict, to pvniſhe thame preſentlie to the death, or vtherwayes, as thay ſall find caus worthie,' &c.

(Oct. 9.)—A PROCLAMATION to meet his Majeſty at Lauder, on Friday next, Oct. 12. It proceeds on the narrative, that 'the Kingis Maieſtie being weareit with the mony and diuers complaintis of his hienes peceable and gude ſubjectis, herreit, wrakkit and oppreſſit be thevis, brokin men, and vtheris diſordourit perſonis, INHABITANTIS OF THE BORDOURIS of this realme, quhilkis daylie committis ſtouthis, reiffis, ſlauchteris of trew men, in the defens of thair awne guidis, and ſindrie vtheris crymes and enormiteis maiſt vnnaturall; not onlie within the bowellis of this realme, bot als within the nichtbour cuntrey of England,' is determined to 'repreſs the inſolence of the ſaidis diſordourit perſonis, chieflie now, befoir the winter ſeaſoun approche, and the nichts grow lang.'

(Oct. 11.)—Letters appointed to charge FRANCES ſumtyme ERLL BOTHUILL, James Douglas ſumtyme of Spott, and Mr Johnne Coluill ſumtyme of Strarudie, to appear before the King and Council, on Oct. xxv, 'to anſuer to ſic thingis as ſalbe inquirit of thame, concerning maiſt Heich Treſſoun committit be thame aganis his Maieſteis perſone and eſtate; and to vnderly ſic ordour as ſalbe takin in that behalff,' under the pain of rebellion, &c.

(Oct. 25.)—THE EARL OF BOTHWELL, Douglas of Spott and Mr Johnne Coluill, ordained to be denounced rebels for not appearing, &c.

(Oct. .)—PROCLAMATION that as the EARLS OF ANGUS, HUNTLEY and ERROL, 'be diuerſe thair lettres and vtherwiſe, hes maiſt humelie and eirniſtlie craved ane Tryale,' for thair 'treſſonnable Conſpiracie,' committed in the month of January laſt; and in order to prevent diſturbances in the kingdom, 'in reſpect of thair gritnes and the place thay occupy,' that 'his gude ſubiectis forbeir to mak conuocatioun or gaddering in quhatſumeuir pairtis of the realme, be the perſwaſioun or ſmiſter informatioun of ony perſonis; bot be in reddynes to repair to his hienes ſelff, as thay ſalbe aduertiſt be his awne Proclamatioun or Miſſiue Letteris, and na vthirwayes: And that thay diſſolue thair forceis, gif ony be alreddy conuocat, and depairt hame to thair duelling houſſis, except ſic perſonis as ar ſpecialie requirit be his awne Letteris, to be preſentit at the Conventioun of the Nobility and Eſtates now at Lynlythgow,' &c.

(Oct. 31, *apud Lynlythgow.*)—A COMMISSION granted to Johnne Lord Thirlſtane Chancellair, George Erll Mariſhaell, Johnne Erll of Mar, Johnne Erll of Montrois, Andro Erll of Rothes and Alexander Lord Levingſtoun, James Scott of Balvery, Johnne Murray of Tullibairdin, Alexander Bruce of Airth, knychtis, and George Lauder of Baſs, Williame Scott of Abbotiſhall and Mr Dauid Carnegy of Culluthy, Alexander Hume of North Beruik Proueſt and Clemett Cor, Commiſſioners of Edinburgh, with the Commiſſionaris of Dundee, Striuiling, Lynlythgw and Coupar, with the officiaris of Eſtate that ſall happin to be preſent for the tyme, &c.; and that Maiſteris Dauid Lindſay, Robert Bruce, Patrik Galloway, James Carmichaell, Robert Pollok and Johnne Duncanſoun, Miniſteris, or ſic of thame as beis preſent, haue acceſs and audience quhen thay haue ony thing, or ſal happin to be callit vpoun for conference; to heir and conſidder the Petitionis of the ERLLIS OF ANGUS, HUNTLIE and EROLE.

(*Eodem die.*)—PROCLAMATION 'that nane tak vpoun hand to invade, trouble or perſew the ſaidis Erllis and vthiris, ſeikaris of the ſaid Tryale, in bodyis or guidis, during the tyme of the ſame tryale; vndir all hieſt pane, charge and offens,' &c.

(Nov. 6, *apud Halirudhous.*)—PROCLAMATION 'that nane repair to Edinburgh bot ſic as ar writtin for.' A Convention had been called by the Eſtates at Linlithgow 'to ſindrie noblemen, baronis and vtheris to convene within the burgh of Edinburgh, vpoun the tuelft day of Nouember inſtant, and thair to treate, conſult, deliberat and conclude vpoun ſindrie materis; ſpecialie, twicheing the ſuirtie of the Eſtate of Religioun and profeſſouris thairof, and ſuirtie to be tane of all perſonis ſuſpectit or dilaitit to be adverſaris of the ſame, or trublaris of the quietnes of the cuntrie; or in cais of thair diſſobediens and contempt, how thay ſall be perſewit or repreſſit,' &c.

(Nov. 26.)—'ACT OF ABOLITIOUN,' that Godis trew Religioun publictlie preichett and be law eſtabliſſit in the firſt yeir of his hienes reignne, ſall only be profeſſit and exerciſit be all his Maieſteis lieges, &c.

(Dec. 22.)—A COMMISSION granted to 'WILLIAME LORD HERIS, Schir Johnne Gordoun of Lochinvar, Alexander Steuart of Garleis, James Douglas of Drumlanrig, Thomas McClellane of Bombie, Thomas Kirkpatrik of Cloſeburne, Williame Greirſoun of Lag, Alexander Jardane of Apilgirth, Johnne Charterhous of Amysfeild and Charlis Murray of Cokpule, or to ony ſevin, fyve or thrie of thame coniunctlie, his hienes full pouer, ſpeciall command and charge, to convene, treate and conſult vpoun ſic thingis as may tend to the obſervatioun of the peax and amitie with England; eſtabliſſing and making of quietnes and gude reule, within the boundis of THE WEST MARCHE; reſiſting and repreſſing of the diſturbaris thairof; and committaris of thift, reſſett of thift, reiff, mur-

thour, ſlauchter, ffyre-raſing or vtheris oppreſſionis and enormities; quhairthrow the trew and peceable ſubjectis may be preſeruit and defendit from wrak and heirſchip: And to that effect, to convocat his hienes liegis within the boundis of the ſaid Marche, in armes, for perſute or defens, alſoft as neid beis; vndir the pane of tinſale of lyffe, landis and guidis, &c. And for the bettir furtherance of the premiſſes, Juſtice Courte or Courtis, within the Tolbuith of Drumfreis, or ony vthir place, within the boundis of the ſaid Weſt Marche, to ſett, begin, afferme, hald and continew. The ſaid Commiſſioun quhill the fyftene day of Februair nixtocum, and forder ay and quhill the ſame be diſchargeit, to indure.'

—This Commiſſion was granted on account of 'the preſent troublit ſtate of the Bordouris, ſpeciallie in the Weſt Marche thairof, foiranent England, be occaſioun of the treſſounable rebellioun of Schir James Johnnestoun of Dunſkellie knicht and his compliceis; quha, eftir impvnitie, and his hienes grace and pardoun reſſauit, for ſindrie treſſounable and wicked deidis committit be him and the thevis of his name, and vtheris, thair aſſiſtaris; at laſt the ſaid Schir James *tressounablie brak warde furth of the Castell of Edinburgh*, and be the ſaidis wicked thevis of his name and vthiris, maiſt crewellie and barbarouſlie *Murthourit* the trew men, *induellaris in the Sanquhair*, in the defens and faulſtie of thair awne guidis; continewing ſtill in his treſſounable deidis, as *Birning of the Parroche-Kirk of Lochmabene*, and ſlauchter of ſum of his Maieſteis ſubiectis ſend hither be Johnne Lord Maxwell, his hienes Wardane and Juſtice, for the furthſetting of his Maieſteis authoritie: And at laſt, vpoun the ſaxt day of December inſtant, cuming with conuocatioun of his hienes liegis, and diuers Engliſhmen, treſſounablie brocht within this realme, armed, in plane hoſtilitie aganis the ſaid vmq^le^ Lord Wardane and Juſtice, he beiring our ſouerane lordis authoritie for the tyme, vmbeſett, invadit, perſewit and maiſt cruellie and outragiouſlie *slew him and sindrie Gentilmen of his name*, and vtheris his Maieſties ſubiectis; drownit, lamyt, dememberit and tuke a grite nowmer of priſonaris, reft and ſpuilzeit thair horſſis, armour, purſſis, money and vtheris guidis; and ſtill continewis in thair rage, crueltie, heirſchip and waiſting of the cuntrey; in proude contempt of his hienes authoritie and Lawis.'

(Dec. 27.)—Alexander Lord Spynie ordained to be denounced rebel, for failing to appear before the King and Council to have anſwered 'to ſic thingis as ſould haue beene inquirit of him at his cuming, tuicheing certane treſſounable practizeis and Conſpiraceis deuiſit and attemptit aganis his Maieſteis perſone and eſtate.'

(*Eodem die.*)—Archibald Wauchop appeirand of Nudrie and Gilbert Pennycuik to be denounced rebels, for the ſame reaſon as above.

(Jan. 9, 1593-4, *apud Edinburgh.*)—Hercules Scott bruthir germane to

Frances ſumtyme Erll Bothuill, and NINIANE CHIRNESYDE,—SYM ARMESTRANG y^r of Quhithauch,—JOSIAS STEUART bruthir germane to Andro Lord Vchiltrie,—and Mr THOMAS CRANSTOUN apperand of Mureiſtoun, are ſeverally ordained to be denounced rebels, for not appearing to anſwer concerning certain treaſonable practices and Conſpiracies, deviſed and enterpriſed againſt his Majeſty's perſon and eſtate.

(Jan. 18.)—'ACT OF THE TAXATIOUN of ane hundreth thouſand pundis,'—'the Quene his darreſt bedfellow now ſhortlie approcheing to the tyme of hir birth, to the conforte alſweill of his hienes as of all his trew and faithfull ſubiectis.'

(*Eodem die.*)—'ACT declairing the ERLLIS of ANGUS, HUNTLIE and ERROLE to haue amittit the benefeit of the Act of Abolitioun.'

(Jan. 25.)—'ACT of materis referrit to the Secreit Counſaill.'—'That thai firſt begin and tak ordour auent the PAPISTIS LORDIS, Jeſuitis, Seminarie Preiſtis and excommunicat perſonis, and thair reſſettaris; thaireftir, with FRANCES ſumtyme ERLL BOTHUILL, his complices and thair reſſettaris; the Slauchter of his hienes WARDANE OF THE WEST MARCHE; the Slauchter of the TWA MINISTERIS; and all vtheris Slauchteris, Murthouris, Deforceing and dinging of Officeris of armes, in execution of thair officeis; cruell Oppreſſionis, and vtheris odious crymes,' &c.

(Jan. 26.)—ROBERT STEUART and WILLIAME STEUART callit of Innermeith, and WILLIAME STEUART of Tulliemett, and ROBERT CREICHTOUN of Cluny, were ordained to be denounced rebels, for not appearing to have anſwered concerning certain treaſonable practices and Conſpiracies, &c.

(*Eodem die.*)—SCHIR JOHNNE MELUILL of Carnbie ordained to be denounced rebel, for not appearing to have anſwered a charge, at the inſtance of the Tenants of his Majeſty's proper lands of Kingſbarns; that he, having begun to erect a mill on the ſaid lands, the tenants made 'lauchfull interruptioun to him; for the quhilk he hes conſauit ane deidlie haitrent and malice aganis thame, daylie invading and perſewing thame, &c.; as namelie, vpoun the ſaxt day of October laſt, Thomas Fermour, ane of the ſaidis tennentis, being cumand in peceable and quiet maner fra the citie of Sanctandrois to his awne houſe, wes vmbeſett in the hie way betuix the Grenelaw and Polduff be the ſaid Schir Johnne, James Meluille and Robert Betoun his ſervandis, quha being miſſilit, (*disguised, or masked,*) bodin and furneiſt with hacquebutis, piſtolettis, ſwerdis and vtheris wapones invaſive, &c. and thair, maiſt cruellie hurte and woundit the ſaid Thomas in diueris pairtis of his bodie, as namelie, the ſaid Laird ſtruke him with ane piſtollett vpoun the heid and feld him; quhairthrow he is almaiſt blindit of his left ee; and left him thair for deid,' &c.

(*Eodem die.*)—ROBERT BUCHANNANE of Spittell, Mungo B. in Tullichewne,

and eight other *Buchannanes*, ordained to be denounced rebels, for not relieving George B. of that Ilk, of a Decreet Arbitral, pronounced by Ludovick Duke of Lennox, upon a Submiſſion entered into by the Laird of B., taking burden upon him for his friends, on the one part, and Allane (Awlay) M'Caula of Ardincaple and his friends, on the other part; 'be the quhilk Decrete, the ſaid George hes bene decernit to mak payment to the ſaid Allane, and vtheris his friendis, of a certane ſowme of money, for ſum violence done, and attemptit aganis thame be the ſaid George freindis.'

(Jan. 31.)—William Erll of Angus, George Erll of Huntlie, Frances Erll of Errole and Schir Patrik Gordoun of Auchindoun, kn^t^, charged 'to pas and enter thair perſonis in warde, within the ſeuerall wardis following,' viz., Angus, within the Caſtle of Blackneſs; Huntlie, within the Caſtle of Dunbartane; Errole, within the Caſtle of Edinburgh; and Sir Patrick, within the Caſtle of Thomptalloun; 'thairin to remane, vpoun thair awne expenſſes, ay and quhill thay be tryit, foule or clene, of the ſaidis crymes;' under the pain of Treaſon.

(Feb. 14.)—The King and Council Annul, revoke and diſcharge 'all and quhatſumeuir Commissonis of Lieutennandrie and Justiciarie, preceiding the dait heirof.' This Act proceeds on the narrative, that 'a grite nowmer' of ſuch Commiſſions had been 'paſt and purcheſt be ſindrie noblemen, baronis and vtheris, within thir lait yeiris; quhilkis, for the maiſt pairte, wer vſit ayther for thair awne particulair proffeitt, to the depaupering of honeſt men, his hienes gude ſubiectis, na commoditie followand to his Maieſtie; to acquite ſum perſonis of crymes, quhairof thay wer gilty, and deſeruit pvniſhment; or to be revengeit of vtheris, aganis quhome thay profeſſit euill will and enimitie; as vnhappie experience, be the monyfauld ſlauchteris, and treſſonable ffyre-raſingis that hes bene committit within thir few yeiris, euidentlie declairit.' Charges are ordered to be given, that thenceforward 'nane of thame tak vpoun hand to vſe or execute the ſame Commiſſionis, or to mak convocatioun of his hienes liegis, vnder the pane of Treſſoun.'

(Feb. 26, *apud Striuiling*.)—Proclamation againſt Alexander Lord Spynie, Robert Creichtoun of Cluny, &c. charging the lieges, that none of them reſet, ſupply nor intercommune with them, nor furniſh them with meat, drink, houſe or 'harbory;' and that they aſſiſt the Sheriffs, &c. in apprehending them; under the pain of being held 'as arte and pairt-takeris with the ſaidis declairit tratouris.'

(Mar. 8)—Act againſt the Earls of Angus, Huntlie and Errol, ordaining them 'to be repute, haldin and perſewet as tratouris; and the proces and dome of ffoirfaltour to be led aganis thame, conforme to the lawis of this

realme, and Actis of Parliament;'—they having failed to enter thair perſons in ward, as lawfully charged.

(Mar. 14.)—'Mr James Betoun of Creich, keipar of his hienes Castell and Palice of Falkland, charged to rander and deliuer the ſame, with the plenneſſing, guidis and geir being thairin, pertening to his Maieſteis ſelff, vpoun Inventair, to the officeris executouris of the Letteris, within xxiiij houris;' and failing, to denounce him rebel: And alſo to charge Dauid Murray, faderbruthir to . . . . . M. of Balvaird, in like manner, to remove furth of the Park and Wood of Falkland: This is done in conſequence of 'his hienes darreſt bedfallow the Quene, now laitlie preiſſing and requiring his hienes with the accomplifheing 'of his promiſe, that his haill conjunct-fee and terce-leving, pertening to her within the lordſchip of Fyffe, ſould be putt in hir awne poſſeſſioun.'

(Mar. 27, 1594, *apud Edinburgh.*)—A Commission, granted to 'Alexander Lord Hwme, Wardane of the Eiſt Marche; Schir Robert Ker, appeirand of Cesfurde, Wardane depute of the Middle Marche; and Schir Walter Scot of Branxholme, kn^t^; eueryane of thame within thair awne boundis and juriſdictioun,' to convocate the lieges, 'alſwele to burgh as to land, regalitie as ryaltie, on horſe and fute, in weirlyke maner.' This is done, in conſequence of the King and Council 'heiring of the treſſounable intentioun of Frances ſumtyme Erll Bothuile, and vtheris his complices, his hienes declairit tratouris, be quhome certane cumpanyis and bandis of wageit men of weir, on horſe and fute, are raſit of lait; for executing, as appeiris, of ſindrie treſſounable practizeis and Conſpiraceis,' &c. And, 'in cais thay or any of thame flee to houſſis or ſtrenthis, with power, &c., to direct their preceptis and chargeis for rendering of the ſaidis houſſis, &c., vnder the panes of treſſoun and hoirning; the perſonis diſobeyand, to caus denunce to the horne; and thaireftir to Aſſege the ſaidis houſſis, raiſe fyre and vſe all kynd of force and weirlyke ingyne, that can be had for wynning and recouerie thairof,' &c. All perſons betwixt ſixty and ſixteen years of age, are charged 'to ryſe, concur, fortifie and aſſiſt' the Commiſſioners.

(Mar. 29.)—Proclamation, charging all the lieges within the age of ſixty and ſixteen, dwelling within the bounds of Edinburgh, Haddington and Linlithgow, 'alſweill to burgh as to land,' &c., to repair to Edinburgh, 'vpoun Mononday nixt, the firſt of Aprile nixt to cum, weill bodin in feir of weir, ſpeciallie with jakkis, ſteilbonnetis, ſpeiris, or lang gwnis, with prouiſioun for the ſpace of aucht dayis eftir thair cuming; and to remane and attend vpoun his Maieſtie, or vthirwayes to pas forward, as they ſalbe commandit'; 'for preventing, withſtanding and repreſſing of the proude and temerarious attemptatis of the ſaidis declairit traitouris (Bothwell, &c.) and vnnaturall ſubiectis, and perſute of thame as occaſioun ſalbe offerit.'

(Mar. 31.)—The King and Council, underſtanding that 'Johnne Erll of Athoill, accumpanyed with his freindis and ſeruandis, and vtheris his Maieſteis liegis, perſwadit be him vpoun ſum collourit pretens, ar to repair in weirlyke manner with all conuenient expeditioun, to the South pairtis of this realme, to joyne in cumpany and actioun with Frances ſumtyme Erll Bothwill,' &c.—Therefore, Letters are ordained to be directed, charging him 'to diſſolue his forceis and returne hame to his awne duelling place, and thair remane and contene him ſelff in quietnes, vndir his Maieſteis obediens.' The lieges who had joined with him, are charged to 'pas hame to thair awne duelling houſſis, within xxiiij houris.' A free Pardon and Remiſſion granted to thoſe obeying—'thame that refuiſſis to accept his hienes grace and fauour, now quhen it is offerit, and dois in the contrair heirof, ſalbe alſwa perſewit as tratouris and Conſpiratouris aganis his Maieſtie and his authoritie, with the lyke rigour and extremitie, without fauour.'

(Apr. 2.)—Proclamation for the 'Erllis, lordis, &c., of the Sherefdome of Perth and Steuartreis of Stratharne and Menteith,' &c., that they, 'weill bodin in feir of weir, with aucht dayis victuallis, addres thame ſelffis to meitt his Maieſtie, his Lieutennent, or vtheris haueand his hienes pouer and Commiſſioun, at the burgh of Stirling, vpone the fyft day of Aprile inſtant, for perſute and withſtanding of the ſaidis declairit tratouris,' &c.

(Apr. 9.)—Proclamation *to pass to the* North, along with 'his hienes in propir perſoun, for perſute, reſiſting and repreſſing of the cheiff authouris of the treſſounable Conſpiraceis diuiſit and maid aganis God, his treu Religioun, preſentlie profeſſit,' &c. The 'Erllis, baronis,' &c. of the ſheriffdoms of Fife, Kinroſs, Perth be-north the water of Erne, Forfar, Kincardine, to meet at Dundee on 29th April; Aberdeen, Banff, Elgin, Fores, Nairn, Inverneſs and Cromarty, to meet at Aberdeen on 2d May; 'alſweill regalitie as ryaltie, togidder with the inhabitantis of burrowis, weill bodin in feir of weir, with xxx dayis prouiſioun,' &c.

(Apr. 13, *apud Brunt-Iland.*)—Proclamation againſt 'Capitane George Strang, Capitane Robert Meluill, Mr Jerome Lindſay, ſone to Mr Dauid L. Miniſter, Mr Johnne Murray, Dauid Orme of Mugdrum, Mr Allane Orme and . . . . . Orme his bruthir, Robert Douglas, ſone naturall to Schir George D., and Patrik Clapene, bruthir to the Laird of Carflogy, his Maieſteis vnnaturall and diſobedient ſubiectis, fugitiue fra his hienes lawis, for thair treſſounable aſſiſting, intercommuning, &c., with Frances ſumtyme Erll Bothuill, and vtheris his compliceis, his Maieſteis declairit traitouris, in thair treſſounable and wicked deidis; and ſum of thame for raſing bandis of men of weir; and vtheris for reſſauing of wageis and entering vnder the charge and commandiment of thame and vthiris Capitanes and Commandaris, for ſeruing of the ſaidis tra-

touris aganis his Maieſtie,' &c. The lieges are therefore diſcharged from furniſhing them with 'meit, houſe nor harbory,' &c.

(*Eodem die.*)—The Magiſtrates of the 'Townis off the coiſt-ſyde,' find caution to appear before the King and Council, 'to anſuer to ſic thingis as ſalbe inquirit of thame, concerning thair aſſiſtance, arte, pairt-taking, intercommoning or haueing intelligence with FRANCES ſumtyme ERLL BOTHUILL,' &c., viz. 'The Magiſtrates of KIRKALDY, under the pane of 2000 merkis; KINGHORNE, 1000 merkis; DYSART, 2000 pundis; PITTINWEYME, 1000 merkis; CARRAILL, 500 pundis; SANCT ANDROIS, 2000 merkis; ANSTRUTHER, 1000 pundis; and COUPAIR, 500 merkis.

(Apr. 23, *apud Edinburgh.*)—Thomas Mertoun of Cammo, and Williame M. younger of Cammo, become ſecurity for HENRY LORD SINCLAIR, that he, his kin, tenants, &c., ſhall obſerve peace, quietneſs and good rule in the country; and in no wiſe invade, trouble nor purſue Dauid Wemys of that Ilk, Johnne his ſon, their kin, tenants, &c.; under the pain of 10,000 merks.

(Apr. 26.)—JOHNNE ERLL OF ATHOILL to be denounced rebel, for not appearing to anſwer concerning his dealing and practizing with Bothwell, &c.

(Apr. 29.)—PROCLAMATION, for the lieges to be in readineſs to repair to his Majeſty, upon ſix days' warning.

(May 2.)—ANDRO LORD STEUART OF VCHILTRIE ordained to be denounced rebel, for not appearing to anſwer 'tuicheing his treſſounable attemptattis, conſpirit, practizit and putt in executioun aganis his Maieſteis perſone and eſtate.'

Treasonably Conspiring and Trafficking against the Protestant Religion, &c.—'The Spanish Blanks.'

(Jun. 8.)—WILLIAME ERLL OF ANGUS, GEORGE ERLL OF HUNTLIE, FRANCES ERLL OF ERROLL and SCHIR PATRIK GORDOUN of Auchindoun, knt.[1]

The quhilk day, Mr Dauid M'Gill of Cranſtoun-Riddell and Mr Johnne Skene, aduocattis to our ſouerane lord, producit, in preſence of the Kingis Maieſtie and Eſtaitis, lyk as thay did dyuerſe tymes ofbefoir, the Summondis of Treſſone, raſit and perſewit at the inſtance of our ſaid ſouerane lord and his hienes Juſtice, aganis the ſaidis Williame Erll of Angus, George Erll of Huntlie, Frances Erll of Erroll and Schir Patrik Gordoun of Auchindoun knicht; quhairby thay wer ſummond to haue comperit befoir our ſaid ſouerane lord, and his hienes Juſtice, the xviij day of Maij laſtbypaſt, with continwatioun of dayes, to haue anſuerit to the crymes and pointis of Treſſone and Leſemajeſtie contenit in the ſaidis ſummondis: The quhilk ſummondis, reſſonis and cauſſis thairin

[1] See *Acta Parl.* 1592-3, p. 283.

contenit, being firſt red, in preſens of the Kingis Maieſtie, and in preſens of the Lordis of Articles, thay fand the ſame ſummondis relevant. And thaireftir, this inſtant day, the ſame Summondis of Treſſone being red in preſens of the Kingis Maieſtie and haill Eſtaitis; and the ſaidis thre Erllis and Laird of Auchindoun being thryſe callit at the Tolbuith windo, and nane of thame comperand; the ſaidis haill Eſtaitis ffand the ſaidis ſummondis relevant; and thairfoir, thay admittit the ſame to the ſaidis aduocattis probatioun. And immediatlie thaireftir, the ſaidis aduocattis, for preving of the ſaidis Summondis of Treſſone aganis the ſaidis [Erllis] and Lard of Auchindoun, producit, in preſence of the Kingis Maieſtie and haill Eſtaitis, the Probationis following; lyk as, thay producit the ſamyn probationis ofbefoir to the ſaidis Lordis of Articles, vpoun the firſt day of the moneth of Junij inſtant. In the first, thai producit Aucht Blankis, in paper; tua thairof ſubſcryuit be the ſaid Erll of Angus allanerlie; vther tua be the ſaid Erll of Huntlie allanerlie; vther tua ſubſcryuit be the ſaid Erll of Erroll allanerlie; and vther tua be the ſaidis thre Erllis and Laird of Auchindoun; all ſend to Spayne. Quhilkis blankis hes na deſignatioun on the bak, nor declaratioun of the cauſes for the quhilk thai wer ſend, bot blank and quheit paper on baith the ſydis, except the ſaid ſubſcriptionis.—Item, thai produce dyuerſe and ſindrie ſeillis of the ſaidis Erllis, imprentit in paper, ſend with Mr George Ker to Spayne; to the effect vtheris ſeillis micht be maid thair conforme to the ſamyn, to ſeill the ſaidis blankis, efter thai ſuld be fillit. Thay produce dyuerſe and ſindrie Depoſitionis of Mr George Ker, ſubſcryuit with his awin hand; with ane Miſſiue Lettre, writtin and ſubſcryuit be him, vncompellit or coactit, bot of his awin frie will to the Kingis Maieſtie; be the quhilk Depoſitionis and Lettre, the haill treſſonable Trafficquing aganis the Religioun, the King, his eſtait and realme, is willinglie confeſſit and planelie declarit; and the treſſonabill end and effect for the quhilk the ſaidis blankis and ſeillis wer ſend, is maid manifeſt, viz. that thai wer ſend to be fillit vp be the Counſaill of Spayne, and Mr Williame Creichtoun Jeſuite, with ſic forme and ſecuritie as thai ſuld deuyſe, anent the ſending in Scotland of monie, for lifting of men of weir and of Threttie Thowſand Spanȝeardis to cum in this cuntrie, and land in the waſt pairtis thairof; quhairof Fyve Thouſand ſuld haue remanit in this cuntrie, and beand coniunct with the ſaidis Erllis, ſuld alter the Religioun and eſtait of this cuntrie.—Item, for preving the premiſſes, thay produce certane Depoſitionis, ſubſcryuit be vmq^le^ Dauid Grahame of Fintrie; conforme in all thingis to the Depoſitiounis of the ſaid Mr George Ker.—Item, thai produce the Dome of Foirfaltour gevin and pronuncit aganis the ſaid vmq^le^ Lard of Fintrie, contenand his Depoſitiounis and Dittay; quhilkis ar conforme in all pointis to the ſaid firſt reſſone of the ſummondis, and expreſſie verrifies and pre-

vis the ſamyn: The quhilkis Treſſone the ſaid Laird of Fintrie confeſſit in jugement, and neuir revoikit the ſame, bot ȝeid (went) to the death thairwith, and wes juſtifiet and execute thairfoir.—ITEM, thay produce ſindrie Lettres writtin be Mr James Gordoun, vnder ane fenȝeit name of James Cryſteſoun: And ſiclyk, ane Lettre writtin be Mr Robert Abercrummy, Jeſuite, having ane fenȝeit ſubſcriptioun of Robert Sandieſoun: And ane Lettre writtin and ſubſcryuit be the ſaid vmq^le^ Laird of Fintrie, havand ane fenȝeit name of Dauid Forreſter: Quhilkis Lettres planelie previs, conforme to the premiſſes, the haill Treſſone libellit.—ITEM, thay produce Lettres writtin be Mr James Gordoun, in fauouris and commendatioun of Mr George Ker, writtin to ſindrie perſonis in Spanȝie, to preif, that he was purpoſit to pas to Spaine with the ſaidis blankis: Togidder with tua Obligatiounis, ſubſcryuit be the ſaidis Mr James and Robert, in the quhilk thay confeſs the fenȝeing and mutatioun of thair awin names, quhilk lykwayis may be eaſelie provin *per comparationem literarum*, and be inſpectioun of the ſaidis Obligatiounis, that Sandeſoun is Abircrummy, and Cryſteſoun is Gordoun: And as to the fenȝeit name of the ſaid vmq^le^ Laird of Fintrie, calland him ſelff Dauid Forreſter, he confeſſit the ſame fals ſubſcriptioun and name to be his awin hand-write and name, in his Depoſitiounis, 20th Januar 1592; the quhilk lykwyis is provin, *per comparationem literarum*, be the ſubſcriptioun of the Depoſitionis, and ane Lettre writtin and ſubſcryuit with his awin hand, heirwith producit; quhilk Lettre is direct to the Kingis Maieſtie, and is repetit *in modum probationis* of the ſaid libell.—ITEM, thai produce Lettres of Incident Diligence, quhairby the ſaidis Erllis, and Laird of Auchindoun, and Mr James Gordoun, and Mr Robert Abircrummy, ar ſummond to this Parliament, to heir and ſie the ſubſcriptionis of the ſaidis Blankis, and fenȝeit ſubſcriptionis, and ſeillis foirſaid, to be thair awin; and being recognoſcit, to preif aganis thame; and to heir and ſie all vther probatioun vſit, led and deducit aganis thame, as accordis of law: And repeitis the Depoſitionis of witneſſes, *in quantum*, and the notorietie of thair ſubſcriptionis and hand-write.—ITEM, becaus Mr George Ker and vmq^le^ Lard of Fintrie, Mr James Gordoun and Mr Robert Abircrummy, wer Traffiquing Papiſtes, trattouris and participantis of the Treſſone libellit, lyk as thai ar ȝit, (except the ſaid Laird of Fintrie, quha wes execute for the ſame,) and thairfoir, it may be objectit that thair Depoſitionis ſall mak na faith in this cauſe, the ſaidis aduocattis producis ane Interloquittour of the Lordis of the Seſſioun, ſubſcryuit be the Clerk of Regiſter, ffindand thir infame perſonis, minoris, or perſonis beand fellowis or companȝionis in the ſame cryme, may be witneſſes in the cauſſes of Treſſone and hereſie; quhilk Interloquitour wes producit and practizit in the accuſatioun of vmq^le^ Ewfame M^c^Calȝeane.—ITEM, thai produce the Sentence of Excommwnicatioun aganis the perſonis accuſit, and

alſo contrair Mr James Gordoun, vnq^te Dauid Grahame of Fintrie.—Item, it is of veritie, that the King and thre Eſtaitis of this realme, in criminall caus, hes juriſdictioun and pouer of ane greit Aſſiſe, and may juge and decyde all crymes, conforme to thair conſciences, and vehement preſumptionis, conjectures and probabilities, quhilk may be collectit and gatherit in the cauſes; and ſpeciallie, in the cryme of Treſſone; as is manifeſt in the writtin law of this realme, callit Regiam Maieſtatem, lib. 4. cap. 1. And the ſaidis aduocattis repetis, in forme of probatioun, the notorietie of the crymes libellit, and that of the law *sufficit allegare notorium sed non probare,* and the publict voce and fame, quhilk is ane vehement probatioun *in criminibus clandestinis,* and namelie, in the cryme of Treſſone and Leſemaieſtie, with the notorietie of the Treſſone, and of the traffiquing libellit, committit be the perſonis accuſit at the Brig of Die, the yeir of God 1589 yeiris; ffor the quhilk, ſindrie of thame cum in his Maieſteis will for the ſamyn; quhilk is ane Confeſſioun of the cryme.—Item, thay repetit and producis ane Catologue of fals and fenȝeit names of certane Jeſuittes and traffiquing Papiſtes, contening alſo certane fenȝeit names of the ſaidis Erllis, quha all did fenȝie thair names, to the effect thai micht the mair ſurelie and quietlie vſe the treſſonabill traffique libellit.—Item, thay produce and repeittis, that the ſaidis Erllis and Laird of Auchindoun, being ſuſpect of Treſſone, and chargit to enter in ward, conforme to the Act of Parliament maid be King James the Secund, diſobeyit the ſame; and thairby hes incurrit the pane of Treſſone, be reſſone of thair contumacie; becaus of the law, he that is *contumax* may be condampnit, for his contumacie cauſſes him be eſtemit as preſent, and inducis aganis him ane Confeſſioun of the cryme L.3 . . . 'decernimus:' And it is of treuth, that of the law he is callit *contumax,* quha is ſummond to ane certane day, be ane peremptour ſummondis, with certificatioun, and comperis not the ſaid day. *L. Contumacia* et ibi gloſſa ff. *de re judic.:* And for verificatioun thairof, thay produce the Kingis Lettres, with the executionis thairof; quhairby the ſaidis Erllis and Laird ar chargit to enter thair perſonis in ward.—Item, thay produce ane act and decreit of the Secreit Counſaill, maid at Edinburghe the aucht day of Merche laſt wes, with the publicatioun thairof at the mercat croce of Edinburghe, vpoun the xij day of the ſaid moneth, the yeir of God foirſaid; ffindand and declarand, that the ſaidis thre Erllis and Laird of Auchindoun hes contravenit the ſaidis chargis, and ſuld be pvniſſit, eſtemit and accuſit as Tratouris.—Item, To the end that the ſaidis Erllis and Laird of Auchindoun thair contumacie and perſeuerance may be knawin, in the treſſonable Treſſone libellit, without ony apperance of repentance or amendement, the ſaidis aduocattis repeittis the manifeſt Treſſone committit be thame and ilk ane of thame, be reſſetting of certane ſtrangearis, traffiqueris and treſſonable mwtineris and raſaris of

ſeditioun aganis the eſtait of the realme and Religioun, quha laitlie arryvit and landit in the toun of Montroiſe, and ar preſentlie, lyk as thay haue bene ſen the tyme of thair arryving in this realme, reſſett, helpit, ſupportit, affiſtit and mantenit be the ſaidis thre Erllis and Lard, and euerie ane of thame, to the owerthraw and euerſioun of this realme and Religioun preſentlie profeſſit within the ſame.—THE ſaidis aduocattis repetit the haill wreittis and vtheris premiſſes abone mentionat, as thai ar ſett doun in maner abone mentionat, with the notorietie of the deid; and that this Parliament is ane greit Aſſyſe; ſua that he, quha of his conſcience can nocht clenge, he of neceſſitie mon fyle: And renuncit forther probatioun of the firſt reſſone of the Summondis of Foirfalture.

SUMMONDIS *of* TRESSONE *and* FOIRFALTURE *aganis the* ERLLIS *of* HUNTLIE, ANGUS *and* ERROLL, *and* SIR PATRIK GORDOUN *of Auchindoun.*

JACOBUS Dei gratia Rex Scotorum, dilectis noſtris Leoni Regi armorum, Hay, Albanie, Roſs, Rothſay, Snawdoun, Merchemont, herauldis; Roberto Stewart, Davidi Bryſſone, Alexandro Douglas, Jacobo Chalmeris, clauigeris; Orment, Bute, Vnicorne, Carrik, ſigniferis; Joanni Blindſcheillis Bute ſignifero, Roberto Fraſer Vnicorne ſignifero, &c. nunciis; et eorum cuilibet, conjunctim et diuiſim, vicecomitibus noſtris in hac parte: Salutem. Mandamus vobis et precipimus quatenus ſummoneatis legittime et peremptorie, coram teſtibus, Wilhelmum Comitem de Angus, Georgium Comitem de Huntlie, Franciſcum Comitem de Erroll, Dom. Patricium Gordoun de Auchindoun militem., Conſpiratores, perpetratores et celatores criminum Leſe maieſtatis ſubſequentium, perſonaliter ſi eorum perſonales preſentias commode habere poteritis; alioquin apud eorum loca habitationum, vel per publicam proclamationem, apud cruces forales burgorum noſtrorum de Edinburghe, Hadingtoun, Lanerk, Abirdene, Perth, Bamff, &c. aliaque loca neceſſaria; degentes vero ſeu exiſtentes extra regnum noſtrum, ſeu nullum certum domicilium in eodem habentes, apud dictas cruces forales aliaque loca neceſſaria, ſuper premonitione ſexaginta dierum; ſic quod hujuſmodi ſummonitio ad eorum aures et noticiam veriſimiliter peruenire poterit; quod compareant coram nobis ſeu Juſticiario noſtro, vigeſimo die menſis Maij proxime ſequen. in Parliamento noſtro, apud Edinburgh, decimo octauo die menſis Maij predicti tenend., hora cauſarum continuatione dierum ad reſpondendum nobis noſtrove Juſticiario in prefato Parliamento, ſuper proditoriis criminibus ſubſequentibus: Dictos ſcilicet Guilielmum Comitem de Angus, Georgium Comitem de Huntlie, Franciſcum Comitem de Errole, Dom. Patricium Gordoun de Auchindoun militem, &c., et eorum quemlibet, pro ſua proditoria Conſpiratione, conſultatione et concluſione horrendi ſceleris et facinoris ad exequendum deſtinati pro alteratione ſtatus regni noſtri et vere Religionis inde profeſſe, per nos noſtroſque probos et fideles legios, ſecundum Dei omnipotentis Verbum, per Acta Parliamenti noſtri approbate, et per leges noſtras confirmate: Idque prefertim, in menſibus Junii, Julii, Auguſti, Septembris, Octobris, Nouembris, aut eorum aliquo, anno domini 1592, in ipſorum conſilijs et conventionibus cum Magiſtro Jacobo Gordoun et M. Roberto Abircrummy, Jeſuitis et ſeminariis preſbiteris, et cum M. Georgio Ker et quondam Dauide Grahame de Fintrie, aut eorum aliquo, excommunicatis Papiſtis, ſuper literis a M. Wilhelmo Creichtoun et M. Jacobo Tyrie, Jeſuitis ex Hiſpania, miſſis et directis ad prefatum M. Jacobum Gordoun: Et in ipſorum proditora conſultatione et concluſione deſuper habita; in quibus declaratur, quam diligenter, et quanta cura ipſi cum Rege et conſilio Hiſpanie elaborauerunt, pro pecunia et militibus in Scotiam deportantis, ad extremam ſubuerſionem et alterationem Religionis nunc profeſſe, et invaſionem regni Anglie; quod ſolum in hoc retardabatur, donec ex Scotia clarus quidem vir mitteretur cum literis certitudinis, et aliis vacuis cartis (lie *Blankis*), ſubſcriptis per nobiles viros qui pro parte et nomine Catholicorum Romanorum in hoc noſtro regno exiſtentium ſeſe obligarent et hipothecarent: Quequidem Litere (lie *Blankis*) impleren-

tur, cum auiſamento dictorum M. Wilhelmi Creichtonn et M. Jacobi Tyrie, in Hiſpania degentium, tanquam certiſſima vincula, ſigna et fidejuſiones predict. monete et militum, extenden. ad numerum 30,000 virorum armatorum, anno predicto, intran. verſus occidentalem partem hujus regni noſtri, prope Kirkcubreiche vel fluuium de Clyde, prout ventus nauigationi melius inſeruiret. Ad cuius impij et proditorij facinoris perimpletionem, commemorate vacue Litere (lie *Blankis*) partim Latine, partim Gallice, ſub diuerſis formis, vna cum Literis certificationis et fidei ſubſcripte fuerunt manibus prefatorum Wilhelmi Comitis Anguſie, Georgii Comitis Huntlie, Franciſci Comitis de Erroll, et D. Patricii Gordoun de Auchindoun militis palam profitentium et affirmatium ſe eſſe maieſtatis regis Hiſpanie (ad quem iſte Litere mittebantur) humillimos et maxime obedientes ſervitores: Quod ipſorum factum proditionis predicte manifeſte eos arguit, quod tum natura et fide ſint nobis ſuo Regi obligati (ad quem hujuſmodi Litere vacue non erant miſſe) ligeantiam et fidelitatem nobis debitam proditori diſſoluerunt, et alieno et peregrino Regi, ſine noſtro conceuſu, fidem ſuam obſtrinxerint; et literas vacuas ipſorum manibus ſubſcriptas ad eum miſerunt, in quibus ſcribi et impleri potuit per eum et eius conſilium quicquid ipſis viſum eſſet quod poſſet eſſe nocium et detrimentoſum nobis, noſtre auctoritati regie, regno noſtro et ſubditis; quo ipſorum facto, nihil magis proditorium fieri et excogitari ab illis potuit. Poſtea eodem Litere (lie *Blankis*) ad effectum ſupraſcriptum tradite et deliberate fuerunt, in menſe . . . anno domini 1592, dicto M. (Georgio) Ker, vna cum variis et diverſis ſigillis dictorum comitum cere impreſſis: Quiquidem M. Georgius trans mare in Hiſpaniam nauigaturus, ad hoc ſceleratum opus exequend. electus fuit; idemque negotium in ſe libenter ſuſcepit, et iter ingreſſus ad Cumbram Inſulam vſque peruenit; cum plenaria commiſſione perſonarum ſupramentionat.; onus in ſe acceptantium pro omnibus aliis ſue factionis hominibus Catholicis Romanis, ad ſedulo laborandum pro pecunia et militibus recuperandis; cum ipſorum fideli permiſſione ad preparandum ſeſe ſuoſque viros et equites armatos, quo ad dicta pecunia extendere et ſatisfacere valuerit; qui certo expectarent adventum et introitum dictorum Hiſpanorum militum, deducerentque maiorem numerum eorundem in Angliam, pro euerſione eiuſdem et Religionis ibi profeſſe: Et quorum Hiſpanorum 5000 infra hoc noſtrum regnum pro perpetuo reſiderent, cum quibus antenominates proditores, degenerati nobiles et hujuſmodi omnes Papiſte Catholici illius ſecte in hoc noſtro regno degentes ſeſe conjungerent, pro alteratione ſtatus eiuſdem, et Religionis nunc profeſſe; quorum qui alterutrum euertit vtrumque euertit, cum inter ſe ita ſunt conjuncta vt vno pereunte alterum perire ſit neceſſe; et exaltatione miſſarum et Catholice Romane profeſſionis, ad euidens perriculum et detrimentum noſtre regie perſone, diſturbationem pacis regni noſtri, et alterationem vniuerſi ſtatus eiuſdem. Committendo inde nefandam et manifeſtiſſimam Proditionem, contra Deum noſtrum omnipotentem, nos, auctoritatem noſtram regiam et leges. Ideoque antenominatos Guilielmum Anguſie Comitem, Georgium Huntlie Comitem, Franciſcum Errolie Comitem, D. Patricium Gordoun de Auchindoun, militem, &c., ad videndum et audiendum ſeſe et eorum quemlibet, intuitu premiſſorum, crimen Leſe Majeſtatis incurriſſe, per nos et trium regni noſtri ſtatuum decretum decerni et declarari: Et propterea, bona, (mobilia,) et immobilia, tam terras quam officia aliaſque res ad eos ſpectantes nobis confiſcari, et pro perpetuo nobiſcum in proprietate remanere; perſonaſque ſuas penas Proditionis et vltimi ſupplicii a regni noſtri legibus inflictas ſubire: Ac vlterius, in permiſſe reſpondend. et juri parend: Intimando ſupradictis Conſpiratoribus et eorum cuilibet, quod ſiue dictis die et loco cum continuatione dierum comparuerint ſiue non, nos, dictuſque noſter Juſticiarius in premiſſis, juſticia mediante, procedemus et procedet. Inſuper, citetis, &c., ad comparendum coram nobis noſtrove Juſticiario dictis die et loco, hora cauſarum, cum continuatione dierum, ad perhibendum fidele teſtimonium in cauſa predicta, ſub pena legis; et preſentes literas debite executas et indorſitas earundem latori reddatis. Et vos qui preſentes executi fueritis ſitis ibidem, dictis die et loco, coram nobis noſtrove Juſticiario, portan. vobiſcum ſummonitionis veſtre teſtimonium in ſcriptis pro premiſſis, ſeu ipſos teſtes: Ad quod faciend. vobis et veſtrum cuilibet coniunctim et diuiſim vicecomitibus noſtris in hac parte committimus poteſtatem: Datum ſub teſtimonio noſtri magni ſigilli, apud Edinburgh, decimo nono die menſis Marcii, 1593, et regni noſtri vigeſimo ſeptimo.

THE quhilk Summondis, with the executionis and indorſationis thairof *reſpectiue* foirſaidis, being this inſtant day red, in preſens of his Maieſtie and haill Eſtaitis of Parliament, firſt in Latyne and ſyne in Scottis, and the ſaidis Williame Erle of Angus, George Erle of Huntlie, Francis Erle of Arroll and Schir Patrik Gordoun of Auchindoun kyn^t^, being oftymes callit of new, at the Tolbuyth vyndow of the ſaid burgh of Edinburghe, to haif comperit and anſuerit to the ſaid ſummondis and reſſone contenit thairin; and thai nocht comperand, to haif defendit in the ſaid mater, and to haif anſuerit to the ſaid ſummondis; the ſaidis Aduocatis deſyrit the ſaidis Eſtaitis declaratioun, gif the reſſoun of the ſaid ſummondis wer releuant aganis the ſaidis thrie Erlis and Schir Patrik Gordoun of Auchindoun kny^t^. Quhilkis Eſtaitis, all with ane voce, fund the ſamin releuant aganis thame: Thairfoir, the ſaidis Aduocatis, of new, for verefeing of the ſaid reſſoun contenit in the ſaid Summondis of Treſſoune, producit and repetit the haill aucht Blankis, in paper; twa thairof ſubſcryvit be the ſaid Erle of Angus allanerlie; vther twa be the ſaid Erle of Huntlie allanerlie; vther twa ſubſcrivit be the ſaid Erle of Arroll allanerlie; and vther twa ſubſcryvit be the ſaidis Erlis and Lard of Auchindoune; all ſend to Spane: And als repetit the haill vther probationis repetit be him of befoir in the ſaid mater, this inſtant day; and deſyrit the ſaidis Eſtaitis of Parliament to advyis the probatiounis foirſaidis led and deducit in the ſaid mater, and to pronunce thair ſentence of Parliament thairintill, according to the ſamin probationis and thair conſciences. And thairefter, the haill writtis and probationis, being red, ſene and conſiderit be the haill Eſtaitis of Parliament, in preſens of the Kingis Maieſtie, and thai thairvithe being rypelie advyſit, the ſaidis Lordis and Eſtaitis of Parliament ffindis, decernis and declaris, that the ſaidis Williame Erle of Angus, George Erle of Huntlie, Francis Erle of Eroll and Schir Patrik Gordoune of Auchindoun kny^t^, hes committit and done oppin and manifeſt Treſſoune aganis our ſaid ſouerane lord, in all poyntis, articlis and maner contenit in the ſaid Summondis. And thairfoir, it was gevin for Dome be the mouthe of James Neſbet dempſter of Parliament, in maner and forme as followis.

DOME of FOIRFALTOUR. This Court of Parliament ſchawis for law, that the ſaidis Williame ſumtyme Erle of Anguis, George ſumtyme (Erle) of Huntlie, Francis ſumtyme Erle of Eroll and Schir Patrik Gordoune ſumtyme of Auchindoun kny^t^, and ilk ane of thame, hes committit and incurrit the ſpeciall cryme of Treſſoun and Leſemaieſtie abonewrittin, the tymis and in maner at lengthe contenit in the reſſoune of the ſaid Summondis of Treſſoune: And thairfoir, decernis and declaris all thair gudis, moveable and vnmouable, alſweill landis as officis, and vtheris thingis qvhatſumewir belanging to thame, to be confiſcat to our ſouerane lord, and to remane perpetuallie with his hienes in propertie, in tyme cumming; and thair perſonis to vnderly the panis of Treſſoune

and vtter pwniſhement, appoyntit be the lawis of this realme : And this I gif for Dome.

The interest which must be felt by all in the mysterious story of 'the Scottish Blanks,' induces the Editor to give an accurate reprint of an extremely rare Tract, published under the immediate authority and revision of the King and Privy Council of Scotland, which he is fortunate enough to have in his own Collection. The original is marked, 'ex Pamphletis Roberti Mylne ſcribæ,' a well-known Collector of Tracts, illustrative of the History of Scotland, who died Dec. 21, 1747, at the very advanced age of 105; having 'enjoyed his sight, and the exercise of his understanding, till a little before his death.'[1] The ſame Tract was reprinted under the direction of Queen Elizabeth's Council; but unluckily, it is 'done into English,' and is otherwise inaccurately edited. It bears for imprint on the title-page, 'London, Printed by R. F. for John Norton. 1593.'

A DISCOVERIE

Of the Vnnaturall and Traiterous Conspiracie of Scottisch Papistes, againſt God, his Kirk, their natiue Cuntry, the Kingis Maieſties perſone and eſtate. Set downe as it was confeſſed and ſubſcrived bee M. George Ker, yit remaining in Priſon, and David Grahame of Fentrie, iuſtly executed for his Treaſon, in Edinburgh, the 15 of Februarie 1592. Wherevnto are annexed, certaine intercepted Letters, written by ſundrie of that faction, to the ſame purpoſe.

Printed and publiſhed at the ſpeciall command of the Kingis Majeſtie.

At Edinburgh,

Printed by Robert Waldegrave, Printer to the Kingis Majeſtie.

Cum privilegio Regali.

TO THE READER.

MANIE and dangerous poynts (good Reader) of vnnaturall and treaſonable practiſes of Scottiſh Papiſts, or (as they will needes be ſtyled) Catholicke Romans, againſt God, his Kirk, their natiue Country and the Kinges Majeſties eſtate and perſone, beeing diſcovered by Godes great and merciſull providence, partly by the depoſitions and confeſſions of ſome of the practiſers themſelves, and namly, Maſter George Ker, who for that cauſe is impriſoned, and David Grahame of Fentrie, juſtly execute for the ſame alſo, in Edinburgh the 15. of Februare 1592, and partly by diverſe letters of ſundrie of the practiſers, intercepted at diverſe tims. It is thought good by the Kings Majeſtie,

[1] See Scots Magazine, 1747, and British Magazine, or London and Edinburgh Intelligencer, for 1747.

and his honourable Counſell, that the moſt ſubſtantiall poynts of the ſaid depoſitions, ſhuld be faithfully taken out of the originals, which were deponed and confeſſed by the ſaide M. George, and David Grahame of Fentrie, before the honourable perſons depute by the Kings Majeſtie, and his hienes Counſell to that effect, and ſubſcrived with their own hands; and for the greater eaſe of the memory of the reader, ſhould be ſummarly gathered into this forme following, which otherwiſe were ſcattered here and there in their depoſitions, according to the occaſion of the diverſe demands at diverſe dyats: for the readier taking vp whereof, the times of the depoſitions and perſons deponers, ſeverally and coninunctly as the matter craveth, ſhould be ſet down in marginal quotationes: As alſo, that ſome of the moſt remarkable letters of the practiſers, ſhould be joyned herunto word by word, quhilkis were intercepted with Maiſter George Ker, and the reſt decyphered and tranſlated as after ſhall appeare; and ſo the whole together to be imprinted, and ſet foorth vnto the view of the world, to the glory of Gods Majeſtie (the only revealer of theſe ſecrets), to the comfort and edification of his Kirk, and the perpetuall detection and ſhame of the vnnaturall enemie. Al quhilk things are ſo faithfullie done in this volume following, that no man how impudent ſo ever he be, can iuſtlly chaleng it with any falſefying, forging, or changing one thing for another, to the wreſting of the original depoſitions, in any the leſt ſubſtantial pairt therof, as by conferring this extract with the firſt records which are in the Clerks hands, moſt evidently ſhall appear, if any liſt to looke vpon them. Thou art therfore (good Reader) gretly to conſider the goodnes of our God in this cace, ſo watchfull over his Kirk, for the good and ſafetie thereof, by diſcovering ſik deep and dangerous practiſes of the deadly enemie, euen then, when as we thinking nothing leſſe, ar redy to be ſurpriſed by their cloſſe courſes ſo cuningly and craftily conveied: as we may well ſay with the Prophet, our ſoule is eſcaped, euen as a bird out of the ſnare of the Fowlers, &c. As alſo, thou art to be wakened vp, to the eirneſt conſideration of the diligence force and crueltie of our enemies (quhilk yet is nothing abated, but more eiger preſently than ever hertofore to atchieu their deueliſh intent) and no waies to truſt them or be ſecure, as though they wer ſleeping and minding no danger to vs, while in the meane time, ſo deiply and deadly they conſpire within and without, with ſo great force and craft againſt our Religion, landes, and lives, that they dare be bold in their pride, to aſſure the Spainzeard of no reſiſtance heir to their cruell interpriſe, as by their awin bragging words hereafter in their Letters evidently ſhall appeir: yea, all kindly natiue Scottiſh men, and true louers of the Chriſtian religion, ought ſpedily and ſubſtantially to concur, to the withſtanding and overthrowing of this our common enemie, within our awin bowels; whoſe vnnaturalnes, barbarity and hie attempt, can be matched with no example domeſtick or forraine that we read off, whether we conſider the cruell barbaroufneſſe of the Spainzeards to whom they have ſold their cuntry, King and people, (wherof let the monument written by one of their awin Fryers againſt the Spaniſh cruelty, befid experience, whereuer they are maſters, be a witnes.) or whether we conſider their moſt deceatful dealing, covering their moſt bloody purpoſes with cloake of moſt tender friendſhip, quhilk moſt cloſly they have counterfeit, by ſubſcription to the true Religion, by hearing of the worde preached, and common profeſſion thereof with vs, and participation of the Sacraments, by bandes, finally affinities, othes, and al atteſtations and lawes ſacred and humane, that might ſeeme to procure credite amongſt men, and many other things to bee enlarged in time and place, as mens callings in Kirke and policy craues: Conſider, and conſider again (good Reader) what ſhould be the eſtate of all honeſt and godly men, their wiues and daughters: the eſtate of Kirk, common weale and Prince, yea and of theſe miſerable wretches themſelves, if their purpoſe to make the Spanzard our maſter (for no man ſervand nor fellow will that proud beaſt be) ſuld tak effect: O miſerie, miſerie, miſerie vnſpeakable, eſpecially to themſelfis, if their wofull purpoſe ſucceede to their minde and farre proceeded practiſes. Wherfore yet again, it is hie time and more, that all good men and lovers of their native Cuntrie be wakened vp to true repentance to the Lord, who ſo heauily threateneth, and in a part already ſtriketh: and to a diligent and ſubſtantiall

concurring, every one according to his calling and place, both in land and Burgh, to withſtand theſe deſperate attempts before they paſſe remedy, and tymely to prevent the farther danger, by aſſiſting the execution of Iuſtice vpon the reſt of the detected traitors, without reſpect of perſons; that ſo wee, labouring to take evill out of Iſrael, the Lord who hath ſo notabilly begun the work, may bring it to an happy end, to his glory and our comforts, through Chriſt our Lord. Amen.

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A Discovrse of the vnnatvrall and traiterovs practiſes of the Scotish Papists, againſt God, his Kirke, their native Country, and the Kings Majeſties perſon and eſtate.

By the Confeſſions and depoſitions of Maſter George Ker, and David Grahame of Fentry. It is diſcovered, That in March, 1591, Maſter William Chrichtoun (who hath remained theſe two yeares bygone in Spaine) ſent to Maſter Iames Gordoun, Ieſuite, father-brother to George now Earle of Huntly, ane gentle man called Maſter William Gordoun, ſonne to the Laird of Aberzeldie, with letters, to let the Catholickes heere vnderſtand, what travell Maſter William Criechtoun had tane with the King of Spain ſince his comming there: And that the ſaid King had opened to him, that he had bene deceaved by Engliſhmen, and wold from that time forth embrace the adviſe and way which the ſaid Maſter William wold ſhew him, both for invading of England, and alteration of Religion within this realme. And for that purpoſe, the ſaid Maſter William craved by this gentleman, to be ſent to him ſo many blanks and procurations, as could bee had of noblemen here, for the aſſurance of his trafficke.

Deponed bee M. George Ker, 3, 5 & 6 of Feb. 1592.

Vpon the ſight and reſate of the which blankes, ſent with ſome other diſcreet gentleman, hauing the noblemens commiſſion, to be filled vp with ſuch conditions as ſhuld be capitulat and aggried vpon betwix the King of Spain, and Maſter William Criechton, quhilkis ſuld haue ſervit as pledgis and ſuirties for the ſubſcrivers part, at the landing heir of the Spaniſch armie. It wes concludit, that thair ſuld have bein ſent out of Spain, about the latter end of the ſpring, in this preſent yeir, 1592, an armie of thritty thouſand men, to have landed either at Kirkcudbright or at the mouth of Clyde, according to the opportunitie of the wind, quhair thay ſuld have intrinſchit and fortifeit thame ſelfis, for the aſſurance of thame and thair ſchippis.

Deponed bee M. George Ker, 3, 5 & 6 of Feb. 1592.

And deponed be David Grahame of Fentry, the 13 of Feb. 1592.

Deponed bee M. George Ker, 3 of Feb 1592

And firſt of all, money ſuld have bein ſent to the Catholikes heir, for raiſing of forces to ſupplie the ſaid armie: Quhairof foure or fiue thouſand ſuld have remainit within this Cuntry, quha with the fortification and aſſiſtance of the noble men, Catholikes, thair friends, and ſik vther forces as the Spaniſh money wald raiſe, ſuld haue immediatly after thair landing, begun to alter thair Religion, preſently profeſt within this realm, or at left procuret libertie of conſcience, and Papiſtry to haue bein erected heir: And the reſt of the armie ſuld have paſt toward England the neereſt way, fra their landing to the bordour.

Deponed bee M. George Ker, 3 Feb. 1592, and be Fentrie, 14 of Feb. 1592.

Deponed be Fentrie, 13 of Feb. 1592.

Deponed be M. George Ker, 3 Feb. 1592.

Deponed bee Fentry, 13 of Feb. 1592.

Thir Letters ſent fra Maſter William Criechton, beeing concredite be Maſter Iames Gordoun to Maſter Robert Abercumby, wer ſhawin be him to David Grahame of Fentrie, at Abernethie, in Aprill, 1592.

Deponed be David Grahame of Fentrie, the 13 of Feb. 1592.

And for effectuating of this mater, it wes anis thocht maiſt convenient that Schir Iames Cheſholm, quha then wes an of his Majeſties maſter houſhaldis, ſuld haue gone to Spaine with this Commiſſion, in reſpect he was vtherwiſe bownit, towardis his vncle Maſter William Cheſholme (callit Biſhop of Dumblane), for Schir James had the firſt credeit of this erand with the nobill men; as he declarit to David Grahame of Fentry, that hee had delt with the Erlis of Huntly and Erroll, and conferrit with Maſter George Ker, anent this turne, about the time of the laſt Parliament, haldin in Edinburgh in Junii, 1592, as alſwa, intercommuned again in his awin houſe with the ſame Maſter George in October, 1592, tuiching the haill heidis of this deſpatch. Bot Schir James, not being abill to be ſa ſoone reddy, and Maſter George Ker being bownit of the country, it wes thocht beſt that the ſame Commiſſion ſuld be geven to him, and that he ſuld vndertak the carrying of the ſaid Letteris: And ſwa hee wes imployed in that erand, the rather, becauſe baith his gud-dames were Criechtons.

Deponed be Fentrie, 13 Feb. 1592.

Thairefter, Maſter George beeing bownit to this jornay, and reddy to mak ſail out of the Fairly-raide, at the weſt ſey bank, upon the 27th of December, 1592. Then (be Gods providence) the ſaid Maſter Georg was apprehended in the Ile of Cumray, and with him thair wes interceptit ſundrie miſſive Letters directit to this purpoſe. Amongis quhilk, thair wes aught blankis, quhairof one is ſubſcrivit,

De vostre Majestie tres humble
et tres obesant serviteur,
GUILLAME COMPTE DE ANGUSS.

Ane vther blanke is ſubſcrivit,

De vostre Majestie tres humble
et tres obesant serviteur,
FRANCOYSE COMPTE DE ERROLL.

Deponed be M. George Ker, 3 Feb. 1592.

And thir twa blankis were baith procurit of thame, be Schir James Cheſholme, in their awin ludgeingis in Edinburgh, at the time of the laſt Parliament, in Junii 1592.

An vther blanke is ſubſcrivit,

GULIELMUS ANGUSLÆ COMES.

Deponed be Fentrie, 13 of Feb. 1592.

An vther blanke is ſubſcrivit,

Deponed be M. George Ker, 3 Feb. 1592.

Which were baith procurit of thame bee Maſter Robert Abircrumby, quha was the chiefeſt travellair in that matter, in October 1592.

An other blanke is ſubſcrived,

Georgius Comes de Huntlie.

And an other is ſubſcrived,

Georgius Comes de Huntlie.

Which were both, with the whole blanks, proponed firſt to the Erle of Huntly, by Maſter George Ker in Strathbogy, at his paſſing there. Deponed bee M. George Ker, 3 Feb. 1592.

Which ſix ſeverall blanks before ſpecified, ſhuld haue bene all filled with miſſive letters, by the advyſe of Maſter William Creichton. Deponed be M. George Ker, 3 Feb. 1592;

And the other two blankes, making out the number of eight, were both ſubſcrived in the mids of two open throghs of paper in this maner, and be Fentry, 3 of Feb. 1592.

Gullielmus Angussiæ Comes.

Georgius Comes de Huntly.

Franciscus Errolliæ Comes.

Patricius Gordoun de Auchindoun Miles.

Which two laſt blankes were firſt ſubſcrived by the Erle of Huntly, and Patrike Gordoun, in October, 1592. And thereafter, beeing ſent with Maſter Robert Abercrumby to the Earles of Angus and Erroll, were ſubſcrived by them in the ſame moneth of October, 1592. And theſe two blanks ſhuld have bene filled vp with procurations, and whatſoever ſhuld have bene thoght meet by the ſaid Maſter William Criechton, for the avowance of that which Maſter George Ker had in direction and credite of the ſubſcrivers; which credite he reſaved fra the Earle of Huntlie, be the report of Maſter Iames Gordoun, and fra the Erles of Angus and Erroll, by thame ſelfis in Edinburgh, in the beginning of October, 1592. Deponed be M. Georg Ker, 5 Feb. 1592. Deponed bee M. Georg Ker, 5 Feb. 1592.

And the ſumme of this his credeit, was an aſſurance that thir nobill men ſuld raiſe an power of horſmen, and meit the Spaniſh armie at thir landing, and reciprockly to aſſiſt, accumpanie and convoy thame in their paſſing to England, be all the forces thay culd procure vpon the King of Spains charges: And thir nobill men ſubſcrivers tooke the burding on thame, and interponit their bandis, for the concurrance of the haill Catholikes of Scotland in this cauſe; and thocht it meit amangis thame ſelffis, for the better ſecrecie, that nane vther ſuld be crauit to binde, for this erand, but thay three. Deponed be M. Georg Ker, 5 & 6 Feb. 1592.

With thir aught blankis, ſubſcrivit as ſaid is, there wes interceptit ſtampis in wax; of the Erl of Angus ſeilles of armes, ſax; of the Erle of Huntleis ſeils of armes, foure; and of the Erle of Errols ſeillis of armes, three.

David Grahame of Fentry deponit, that he met ſundrie times, ſen this purpoſe wes in hand, with Maſter Robert Abircrumby; as namely, that the firſt knawledg hee had of this purpoſe, was be the ſaid Mr Robert, in Dumfermling; and thairaftir in the Caſtle of Striviling, before Mr George Ker his preparation Deponed be Fentrie 13 of Feb. 1592. Deponed be Fentrie 14 of Feb. 1592.

to his Iornay, quhair Maſter Robert ſhew him, that this Commiſſion wes to be given to the ſaid Maſter George, to cauſe fill the blankis with Maſter William Creichtouns aduiſe, and that hee was to deliver the ſame blankis, with the vther Letters, to him who was to depart and carrie with him all this meſſage.

Like as, the ſaids blankis and Letteris, quhilkes were procurit for that erand, were all delivered by Mr Iames Gordoun and Maſter Robert Abircrumby to Maſter George Ker, to bee carryit bee him to Maſter William Creichton, Ieſuiſt; and to bee filled vp, at the diſcretioun and direction of the ſaid Maſter William, and of Maſter Iames Tyrie, quha wes beſt acquented with the effairis thair.

For the vnderſtanding of the borrowit and counterfait names that ocurres in the Letters following (good Reader,) thou ſall finde thame interpreit on the margent, quhair thay are poyntit out by this mark;* quhil kinterpretations are contained in the originall depoſitiouns of the practiſars, and in ſome of thair interceptit Letters.

A Letter directed from an Engliſh Ieſuiſt, and intercepted with Maſter George Kerr, the 27 of December, 1592.

Good Father, the incloſed to my Lord, I pray you reid and take it as writen to your ſelf: Quhat I writ to him, I writ to you; quhat I crave of him, I crave of you; quhat I hop of him, I hope of you; as of my patron and pedagog *in spiritualibus*, as of a man, whoſe diſcretioun and moderatioun I haue well experimented, in all caſes and at all times. If I had ſo farre ouerlaſched and gon beſid my compas, as ſome good fellowes wald imagine, yet I wonder, that ſome good men, haith in their owne conceits, and vther meanis ſpirituall, will admit no excuſe, no ſatisfaction, no purgation; quhen Saint Paul, to the Galathians, in moſt evident delites, ſettis downe this reull amongs the perfect and ſpirituall: *Fratres, et si præ occupatus fuerit homo in aliquo delicto, vos qui spirituales estis, hujusmodi instruite in spiritu lenitatis, considerans teipsum, ne & tu tenteris.* If I had ſpoken with you, at my laſt beeing in Italie, as I well hoped, I had perhaps made a better concluſion of my buſieneſſe thaire, then I did to my awin content, and al my friendis ſatisfaction, quhilk hop for all theſe ſtormes. I will never give over, and quhen I leaue by your meanis, to be vnder the gude habering, I will writ to ȝou of that ſubject. The Lord Seytoun, in quhais houſe I ſojorn ſometimes, ſalutis ȝow. Of the effaires of the Catholikes heir, I leane it to them to write and relate, by quhais meanis theſe Letters ſhalbe convoyit. My Lord Seyton hath ane hauen of his awin, quhilke may be herafter very commodious for our miſſions. Commend me I pray you to F. Barth, Pere, &c. Maſter Dudley Ilper, knight, and Iohn Thules, quhilk vpon ſome ſuden puſches of perſecution, mak their repair hither, ar in health, and ſa-

lute 3ow. And Maſter Syall, a Prieſt, dyed heir lately in Edinburgh. Love me, and pray for mee, I beſeik 3ow all, *solito.* And if 3ow ſend ony into theſe partis, let thame come furniſhed with all ample faculties as 3ow may; let them inquire for one M. Ionas, quhilke will bee a token betuix vs. Our Lord bleſſe and ſend vs to meit anis or we die. Seyton, this 2. of October, 1592.

Your ever moſt aſſured, IOHN CECILIO.

Blanke on the back.

A LETTER directit from the Erll of Angus, all writen and ſubſcribed with his awin hand, intercepted with M. George Ker, the 27 of December, 1592.

MY maiſt affectioned commendationes premittit, this preſent is only to knaw of 3our welfare and friendis, and of the eſtate of maters where 3e remaine, and to be ane teſtimonie of my gud affection towards you. For God be praiſed, if you were in this country, I could do you greater pleaſure nor I was able to do before, albeit gude will inlaiked not at na time, as 3e knaw. The preſent bearer can informe 3ou of ſik things as occurres with vs; for we are heir dayly ſubject to alteration. Ye may credite him as my ſelfe, for ſo his vertewis dois merite. It is not needfull I trouble 3ow with his recommendation, ſeing he is to 3ow that he is to me; 3ee knaw his honeſtie and good intention, and the cauſes of his parting; to quhais ſufficiencie referring the reſt, my hartie ſalutations, and my bedfellows, with al our companie, 3oung and ald, remembrit vnto you and your gude company, commits you with tham to the protection of God. Edinburgh, the tenth of October, after our compt, 1592.

M. Georg Ker.

Yours ever at power, ANGUS.

Blanke on the backe.

To M. William Creichtoun.

A LETTER direct from M. Iames Gordoun to M. William Criechtoun, interceptit with M. George Ker the 27 of December, 1592.

TRAIST friend, after maiſt hartly commendatiouns, your friends that ar heir hath directit this preſent bearer to you, for full reſolution of all your effairs in thir quarters: We have delayit over lang, I grant, but he will ſhew you the cauſe of all. The next beſt is, ye vſe al expedition in time comming, againſt the next ſomer, vtherwayis ye will tyne credite heir with your factours. If ye come, ye will finde ma friendis nor ever ye had, but vtherwiſe ye wil find fewar; becauſe the next ſomer many ar bownit to vther countries, and will not abid on you na langer: Haiſt hame heir ſum word to your friends, that we may put tham in gude hope of 3ou, and thay wil tary the langer. The bearer is an honeſt man, and verie ſufficient; ye may credite him as my ſelfe. I ſuld haue cummit with him my ſelfe, wer it not I wes perſuadit that ye wald remain on our anſwere; and becauſe I got an ſtop out of Flanders. As the bearer can ſhew you, yee haue goten all that ye deſirit, thairfore mak haiſt. The bearer is cummit to

M. Georg Ker.

Relative to the blankes.

you on his awin charge, therfore ye mon have reſpect to him. The laſt bearer that ye ſend, cam heir behind the hand, and hath gottin na ſatisfaction as ȝit; becauſe nathing could be gottin heir, and we culd find na man but this, that wald paſſe on his awin charg; and I feare, that if hee had not come on his awin expenſis, ye ſuld not haue reſavit anſwere ſa ſoone; therfore ye ſuld treate him the better. Wee will abide heir your ſelfe ſchortly, and I wald ye broght the reſt of your friends with you that ar beyond ſea; for if your block paſſes fordward, they mon be alſo preſent, vtherwiſe we mon cum and viſit you All vther effaires of this country, I will commit to the bearer, quha is faithful. Your wife and your bairnes commendis thame to you, and luikes to ſe you ſhortly. If I or Sandeſoun, your friende, reſauis ony ſilver fra the bearer, ye ſhall be adverteiſt be an vther tikket, how mekle it is, and ſubſcrivit with baith our handis. The reſt I will referre to the bearer. God preſerve you from all evill. At Dundie the 20 of November, 1592.

The Spanisch armie.

The Catholick Romanes and their confederates.

M. Robert Abircrumby.

M. James Gordoun.
M. William Creichtoun.

Yours maiſt affectioned at all his power, I. CHRISTESON.

Direct on the back,

To his aſſured friende, George Craufurd.

A LETTER directit, fra M. Robert Abircrumby, to M. William Criechtoun, interceptit with M. George Ker, the 27 of December, 1592.

EFTER my dew and humble ſalutations and offer of ſervice, I regrate and lamentis havily, the ſleuth and negligence your merchands hes vſit, in anſwering of your laſt ſuit ye proponit to thame. For appearandly, if they had made anſwer in due tyme our wares had bein heir in due time, with our great profite and conſolation. The ſtay and ſtop of the matter appeirandly was lacke of expenſis, that na man wald of his own charge, take that viage in hand; yea, ſome cravit a thouſand crownes for his expenſis. Swa the mater was anis halely given over, and almoſt clein forȝet, vntill it pleaſit God of his divine Providence to ſtirre vp this bearer, to take the turn in hand on his awin expenſis: As hee hes bein ever bent in that cauſe, not only to ſpend his gudis, but alſwa the thing that is mair deir to him, that is, his life: thairfoir, I thinke hee ſuld be the mair acceptable, as alſo for the affinitie of bluid: for baith his guddames was Creichtouns. And as for witte and abilitie, of treating of they effaires, he is not inferiour to nane of your merchands quhilk ye deſyrit, as ye wil perſave be experience, God willing. And albeit that he, of his couragious liberalitie and zeal to the cauſe, hes tane the mater in hand, on his awin charges, yet all your friends in theſe quarters thinkes it very reaſonable, that all ſuld be refounded to him againe, *Cum vsura*, with promotion, till ony vther accident ſuld fall out, for the well and furtherance of this cauſe, &c. But nowe I will ſay an word of him, and ſyn com to ſum vther purpois of our own. If I had an thouſand tongues,

with as many mouthes, with Cicerois eloquence, I cannot be worthie enugh in commendation of this gentillman to you and al your companie: As I ſall let you vnderſtand, God willing, if ever we ſall chance to meit face for face; and thairfore, whenſoever ye may, prevent him with ony benefit, either be ȝour ſelf or any other. Abide not quhill hee crave it at you, for hee is the worſt aſker in his awin cauſe that ever yee converſt with. *Sed nunc ad alia.* If ye be right remembrit, at your departing out of this, ye gave Maſter Iames Mackartnay an procuratory, to intrommit with Maſter Alexander Homes litill leving, hee hes heir in Eaſt Lowthiane; the quhilk he pledit and obtenit in law, and tuke vp yeirly rentis thairof to his awin behuif, and givis his nane of it. In this meane time, there falles out ſike cummirs tuichin that land, that we ar able to loſe the hail ware firſt. The ſaid Maſter Alexanderis narreſt friendis and aires hes in iudgement prooved him to be deid, and ſwa enteris aires to him. By this, the Laird of Spot his ovirlord is forfaltit, and ſwa the land wardis; ſwa that we are able to tyne all, if remedie bee not found. Quhairfore, falling in conſultation with Maſter Alexander King, he thocht beſt to ſell the land to him, and we to vſe the ſilver on an mair ſure maner, of the quhilk ye ſall reſaue ſum wrytings* from this bearer, the quhilks ye will vnderſtand better nor I. Only I thinke if forme of moyan bee not vſit, we ſall loſe all, and better is to haue ſum thing nor loſe all. As to the price, ſet ye it downe, for he hes mentioned nane as ȝet; but hee will give als meekle as any vther, becauſe, as hee ſaies, hee hes ſum land lyand contigue to it. I pray yow for an haſtie anſwere of this. I doubt not but yae have heard how thay young men, quhais faithers was ſlane bee the Laird of Ruthvenis, ſlew him againe, quhais lady is mariet to one Iames Reid. Cannay is come in the Conſtables handis, and your nevoy is private of it; and that be the moyan, I trow, of Abraham your brother, but your Maich is litill better nor beggand. Drumkilbo is dead, and Thomas Tyrie is tutour. I pray you advertiſe mee bee what manner Maſter Stevin Wilſoun hes commit bee my Lord Levingſtouns obligation, the quhilk ye had of the fourtie crounes, his L. was owin ȝow; for maſter Stevin hes gotten theſe fourtie crounes randering the obligation quhilke yee had: I durſt never make mentioun of the hundreth crownes fra the father, and fourty crownes fra the ſonne, quhilk ye left mee power to crave, &c. My Lord Levingſtoun is departed of this world. ȝe heard befoir, that David Foreſter * had ane ſonne, and now hes ane other borne in the Caſtle of Striviling, quhair he is in waird, hardly handlit. Thair is but ane of our nobilitie heere, quhilk hes of the K. of Spaine, ane penſion well payit of twelve hundreth crownis. The quhilks appearandly are evill beſtowit: For hee nor nane of his, as yet, hes never done ony kinde of good, in the promotion of the Kingis matters; quhairfore ſike penſiones were better beſtowed on vthers, quha travells dayly and hourly, putting in hazard baith thair goodes and lives, as this

The hyperbolical and ridiculous commendatioun of M. George Ker.

Thir writtis interceptit with the rest, ane charteur and obligation to be past by M. Alexander Home of Palywel to M. Alexander King his aires and assignays of foure husband landis in the Lord-schip of Spott, with a missive letter direct bee him to that effect.

David Grahame of Fentrie.

Envy amangis the Papists thameselfis.

bearer hes done and dayly dois: and vthers, as he can ſhew yow, &c. Becauſe I haue na vther thing to write, and haue bein lang eneugh, I commend mee to your prayers, and you to God. At Scotland, the 15 of December, 1592.

M. Robert Abircrumby. M. William Criechtoun.

Yours at his power, ROBERT SANDESOUN.*

Direct on the back,

To his traiſt friende, GEORGE CRAUFURD.

A LETTER directed to the King of Spaine, bee three noblemen of Scotland, quhairof twa hes ſenſyne returned to the profeſſioun and defence of the treuth, bee thair aithes and ſubſcriptions, quhairefore thair names are ſuppreſſed; the third his name expreſſed, (to witte the Earle of Huntlie,) becauſe he continues as ȝit in his former wicked courſe. This letter, writen by thame in name of the Catholicke noblemen of Scotland, cyphered in French, was intercepted in Januarie 1589, lately before the time of the Raide of the Brig of Die, thairefter was decyphered word by word, and tranſlatit in Scottis, as followes:

They are sorry that the Spanisch flote past by, without landing in Scotland.

SIR, wee cannot ſufficiently expreſſe bee ſpeach, the great regrait wee have conſavit, being fruſtrate of the helpe we haue ſo long had to ſee, this year paſt, the deſired affects fall out, quhilke we attended of your Majeſties preparations. And our diſpleaſure hes beene ſa mekle the greiter, that your armie navall ſuld haue paſſed by ſa neir vs, vnviſiting vs, quha expectit the ſame with ſufficient forces, for the peaceable recept and aſſiſting thereof, againſt all enemies; in ſike ſort, that it ſuld haue had na reſiſtance in this country, and with our ſupport, ſuld haue given anugh adoe to England. At leaſt, gif it had cummit heir to refreſch it, it had preſerved a number of veſchels and men, quhilk we know have

The Spanyard should haue had gret assistance in Scotland.

periſched neir our Iles and vpon the coaſt of Ireland: And had diſcovered an incredible number of friends, in full reddineſſe to haue run the ſame fortune with it, in ſike ſort, as wee dare well affirme, it ſuld not haue founde half ſa many men in England, for all that is ſpoken by the Engliſch Catholikes refugit there; quha by emulation, or rather bee ane vnchriſtian envie, extenuats ouer farre our meanes to aid yow, to magnifie thair awin only, and make themſelfis to bee eſtemit able to doe all; to advance thameſelfis thairby in credeit with your Majeſtie and ſik as are about you; but by experience of this year paſt, hath ſufficiently teſtified, they haue not ſchawin themſelfis, in ſik number, to aſſiſt your forces, as we haue done. And therefore your Majeſtie, as maiſt wiſe as yee are, ſhall, gif it pleis you, mak ſick accompt of the ane, as yee neglect not the vther, and ſa ſerve you with them baith, to the end ȝe pretend, with hazarding your

They haue informit the K. of Spanis subiects wrakit heir of the meanis to doegude belanding in Scotland.

forces for the particular of the ane or the vther. We remit to the declaration of ſome of your awin ſubjects that hes beene heir, the commodities and advantages of landing in thir partes, quhair the expenſis beſtowit vpon the equippage of an Galliaſſe, ſall bring mair fruite to your ſervice, than ye may haue of ten vpon the ſey. And wee may aſſure your Majeſtie, that having anis ſax thou-

ſand men heir of your owne, with money, ye may lift heir forces of this country, as freely as in Spaine, quha will ſerve yow na leſſe faithfully than your owne naturall ſubjects. And albeit wee can not, without blame of preſumption, giue your Majeſtie aviſe in your effairs thair: Alwayes in that, that may concerne your ſervice heir, wee ſpeak mair freely, as being vpon the place, and knawing by the ordinary experience, mony things vnknawin to ony of yours that are not heir. The overlate arrivall of your armie in our watters, tuke from it the commodities to reteir it ſelfe in ſik ſafetie, as it might haue done cuming ſoonar, be reaſon of the great winds that are ordinar heir in harveſt: as alſwa lacke of pylottis experimented vpon the coaſtes of Scotland, England and Ireland, appears to have bred great harme to the ſaid armie; quhairvnto wee culd have remedis concerning Scotlands, to have ſent pilotts from this, gif it had likit your Majeſtie to have ſervit your ſelfe with thame. Likewiſe, (ſaving better adviſe,) it ſeems to vs altogidder vnprofitable to fight the armie bee ſea, gif it may be eſchewit, for mony cauſes: And amangis vthers, becauſe ſike as ſall haue fochten by ſea, ſalbe vnabill, being wearie, to feight againe bee land againſt new forces: Sa the beſt ſuld bee, to ſchift bee ane way or vther, for ſparing of your men and veſchels, and ſwa the Engliſch forces ſtaying vpon the ſea vnfoghten, ſall be diſapointed, and ſall not come in time to aſſiſt thame, that ſalbe aſſailzeit be land. Attour, ſending heir a part of your forces, before the vther, quhilk ſuld goe the right way to England, and that ſecreetly by the backe of Ireland: Your Majeſtie ſuld compell the enemie to divide their forces, and it may bee, ſuld cauſe thame ſend the greateſt part heir, quhair yee might make thame believe the greateſt part of your forces wer arryvit, at leaſt ſuld cauſe thame diſgarneis as meekle of England, and drawe a great part of their forces, quhilk wald reſiſt your landing and invaſion on that coaſt. And we may well promiſe, that having heir ſax thouſand of your men, and money to lift vtheris heir, wee ſuld within ſax owlkis after their arrivall, bee well farre within England, to approache and aſſiſt the forces quhilke your Majeſtie ſuld cauſe enter thair. The knight William Sempill Colonell, can ſhew your Majeſtie the haill; to quhom we remit. Alſwa, wee haue cauſit writ baith before and ſen his depart, our money ſik adviſes bee M. Robert Bruce, and cauſit addreſſe the ſame to my Lord Duke of Parme, to whome your Majeſtie remittit vs, from the beginning, in thir effaires. And ſeeing wee hope your Majeſtie is dewly advertiſed and informit, wee will end the preſent, kiſſing maiſt humbly your Majeſties hand, praying God with all your affection, to grant you full accompliſhment of all your holy interpriſes. From Edinburgh, this 24 of January, 1589.

Advise to the King of Spain how to assault this iland hereafter.

Advise to the King of Spain how to assault this iland hereafter.

With 6000 men sent from Spaine and money to levie a power in Scotland, they will in sax oulkis bee far in England.

Bruce is the mouth of these lords to the King of Spane and the D. of Parma.

Your Majeſties maiſt humble and affectioned servitours,

G. Erle Huntlie, &c.

In name of the vther Lordis Catholiks of Scotland.

A LETTER direct fra the Erle of Huntly to the Duke of Parme, interceptit in Ianuarie, &c.

Letters resavit fra the Duke of Parme, bee Iohn Chesholme.

MY Lord, I haue reſſavit from Iohne Cheſholme, the letters it pleaſit your hieneſſe to writ, the 13 of October, full of maiſt Chriſtian affection to the weill of our cauſe: For the quhilkis I giue your hieneſſe maiſt humble thankis. The ſupport of ten thouſand crowns, ſent to that end, is reſſavit be M. Robert Bruce, quhilkis ſhall not bee employed, but for helpe of the maiſt vrgent neceſſitie of the ſaid cauſe, as it hes pleaſit your hieneſſe to direct. After the departure of Colonel Sempill, I have found my ſelfe ſa boaſtit on all hands, and preaſſit in ſik ſort be our King, that it behuiſit mee to yeeld to the extreame difficultie of time, and ſubſcrive with his Majeſtie, not with my heart, the Confeſſion of thair Faith; or vtherwiſe, I had bene forced immediatly to haue departit the cuntry, or to haue taken the fieldis for reſiſting his forces, and ſik as hee might haue drawin out of England to his aide; quhilk I could not have done, eſpecially then, quhen be the returning of your armie in Spain, all hope of helpe was taken from vs; but if on the one part I have failit, bee the apprehenſioun of dangers that threatned my ruine, I ſall on the other part endevour my ſelfe to amend my fault, (quhairof I repent me with all my heart) be ſein effect, tending to the well and advancement of the cauſe of God, quha hes put mee in ſike credite with his Majeſtie, that ſen my cuming to court he hes broken his former gairdis, and cauſit me eſtablis vthers about his perſon of my men, bee the moyen of quhom and their captaines ar alſo mine, I may ever bee maſter of his perſon: And your ſupport being arryvit, ſpulzie the hereticks of his authoritie, to fortifie and aſſure our interpriſes; quhairvpon I beſeeke your hieneſſe to ſend me your aviſe, and to aſſure your ſelf of my vnchangeable affectiounes in my former reſolutions; albeit the outward actions bee forced to conforme thameſelfis, ſumtimes, to neceſſitie of occaſiounes, as M. Robert Bruce will mair amplie write to your hieneſſe, to whom I remitte mee farder. Praying God, after I haue maiſt humbly kiſſit your hieneſſe hand, to give yow accompliſhment of your holy enterpriſes. From Edinburgh, the 24 of Ianuarie, 1592.

Support of 1000 crownis fra the D. of Parme.

He dissembles his religion for feare & pollicie.

He hes established gardis about the King at his awin devotion to bee Maister of his person when occasion sal offer.

Your hieneſſe maiſt humble and affectioned ſervitour,

G. ERLL OF HUNTLIE.

A LETTER fra the Erle of Erroll to the Duke of Parme, interceptit in Ianuarie, &c.

MY Lord, ſen God of late, bee the cleir licht of his holy Catholik faith, hes chaſit from my vnderſtanding the darkneſſe of ignorance and errour, quhairin I have bene heirtofore nuriſchit; I haue bene als ſoon perſwadit in acknowledging of ſa great ane effect of his divine grace towardis mee, that I am chiefly obligit to procure, ſen I knaw the enterpriſes of his Maieſtie Catholik, and your hienes

tendes principally to that end, as alſo to the advancement of ſome civill cauſe, quhilk hes verie great affinitie and conjunction with ours heir. That I mon teſtifie the preſent, the affection that I haue to the well of the ane and the vther, having ever before my converſioun bene ane of the number of your friendes and ſervitours, for the reſpect of the laſt; to the quhilkes, the firſt of religioun, quhilk is the greateſt and maiſt important that is in this world being joynit thereto, I am alſo become altogether yours; quhilk I beſeik maiſt humblie your hieneſſe, cauſe it ſignifeit to his Majeſtie Catholik, and to promiſe him in my behalfe, that hee hes not in this country a mair affectioned ſervant than I, neither ȝet ȝour hieneſſe, as ȝe ſall vnderſtand mair ample of my intentioun in particular, be him, bee whom your hienes ſhall reſſaue this preſent. To whom, after I haue maiſt humblie kiſſed your hand, I beſeike the Creator to give yow the accompliſhment of your holy deſires. From Edinburgh, this 24 of Ianuarie, 1589.

The causes of the Papists are insenarable for the K. of Spaines service.

Your hieneſſe maiſt humble and maiſt affectioned ſervitour,

Francis Erll of Erroll.

A Letter fra Robert Bruce, to Monſieur Franciſce Aguirre Eſpaignell, &c. interceptit in Ianuarie 1589. Writen in French, and tranſlatit in Scottis, as followis:

Monsieur de Aguirre, I have reſavit your Letter, of the nynt of November, writen from Handwerp, quhairby, I was glad to vnderſtand of your arrivall thair and helth, and that ye haue guydit your ſelfe ſa wiſely in execution of al that I committed to yow. Your Maſter, quha at my requeſt hes gevin yow entertenement, hes givin mee the like teſtimony of your behaviour, and hes promiſit mee bee his Letters, to have ȝow in the favourable commendation I deſirit, and to employ ȝow in gude occaſions. Gif he ſend ȝow heir again in thir parts, cauſe ſette you on land neare Seytoun, quhair I pray ȝow to enter ſecreetly, and there ye ſall be keepit quhil I may come and finde ȝow.

[The reſt of this Miſſive, being ſet downe in obſcure times (terms?) is to be ſene in the originall.]

A Letter fra Robert Bruce to the Duke of Parme, intercepted in Ianuarie 1589, lately before the Raid of the Brig of Die, cyphered in French, deciphrit there after, and tranſlatit in Scottis, as followes:

My Lord, Monſieur Cheſholme, arryvit in this country five dayes after his departing from thair, and with thair requiſite dilligence, cam to the Erlle of Huntly in his awn houſe in Dumfermling, quhair having preſented to him your hienes letters of the 13 of October, hee declarit amplie to him the credite givin him in charge, conforme to the tenour of the letters from your hieneſſe: quhair thay perceavit your hieneſſe great humanitie and affection, to the advancement of the glory of God in this country, with vthers conſolations maiſt convenient.

Letters sent be Iohn Chesholme from the D. of Parme to the Erle of Huntlie, and receavit bee him at Dumfermling.

to moderat the dolour and diſpleaſure conceavit be the heartis of the Catholiks, be reaſoun of the ſucces of your armie, againſt thair hope and expectation. Alſwa, ſum dayes thereafter, as the commoditie offerit to mee to reſave the money, the ſaid Cheſholme deliverit to me ſax thouſand twa hundreth three ſcoire twelve crounes of the ſunne, and three thouſand ſevin hundreth Spaniſch piſtolets: And likewiſe hes cariet himſelfe, in all his actions ſenſyne, verie wiſely, and as become a man of God: Chiefly then, quhen vpon the ſuſpition conceavit of his ſa ſudden returning, the king ſent to gar take him. I ſall behave my ſelfe, be the grace of God, in the keeping and deſtribution of the money laſt ſent, and of that quhilk reſtes yet of the firſt ſowme, according to your hienes preſcriptioun, and as I ought to anſwere to God in conſcience, and to your hienes in eriedite, and to the haill world in the reputation of an honeſt man: And ſal minnage it in ſik ſort, that be the grace of God, thair ſall be fruite drawin thereof, pleaſant to your hienes. It is true that I finde (as all vthers wald doe, that walde interpriſe ſik a charge heir) my ſelf involved in great difficulties: For on the ane part, I am in great danger of the heretikes, and of thame of the faction of England, be reaſoun of the oppin profeſſion that I make of the Catholike Religion, and of the ſuſpition that the laſt hes of my ſecreete practiſes and dealing againſt thame: On the vther part, I haue meekle adoe to moderate the appetite that ſum Catholicke lordis hes, to haue the money preſently, for the hope quhilk they give of ſum pretendit occaſiouns, that will never fall out as they promiſe. The Earle of Huntly made inſtance to haue the third part of the ſowme quhilk was ſent heir, alſe ſoone as it was delyvered to me; but he hes not tuitchit, nor ſall not twitch hereafter a malȝie, but vpon gude takins. I haue payed him in the meane tyme, with inexpugnabill reaſonis, quhairof in the end he is contented. I beſeik your hienes, bee the firſt letter it ſall pleas you to write in thir partis, to the Catholicke lordes, to remove ane errour from three, quha hes writen thair in name of the remanent, that moves them to thinke, be reaſoun thay were the firſt that made offer of thair ſervice to the King Catholike, that all the money that comes heere ſhould be parted in thre, and immediately after the arrivall thereof delyvered to thame, without giving part to vtheris, quhilke beſide thame are in great number to the King Catholikes ſervice and yours, and alſwa deliberat to hazard after their power, for the advancement of this cauſe, as thay are; of whom the vtheris will not depend in ony ſort, in the accepting of the moyans that cummes from your liberalitie, but acknawledge thame as comming directly from your hienes, to quhome onely they will bee bound and obleiſt, and not to the vther three. Of the quhilkes, the Erle of Mortoun, hes hitherto contented himſelfe with reaſon: As alſwa the Earle of Huntly, hes never ſchawin himſelfe ſubject to money, bot ſen he hes beene inducit be the third, to wit, my

10,000 crounis receavit from the D. of Parme, bee Bruce, to bee emploied for the King of Spaines service in Scotland.

The money is to bee destributed amang the Catholike nobilitie of Scotland.

The Erle of Huntly wald haue a third part to himselfe.

Quhat ever this nobleman hes beine at this

Lord Claud Hamiltoun his vncle, quha is ſum quhat covetous of geir, and thocht vnder ſike pretext to make his profite. The ſaide Earle of Huntly is conſtrained to remaine at Court: He is fallin from his conſtancy in his outward profeſſion of the Catholike Religioun, partly for having loſt all eſperance of your ſupport before the returning of the ſaide Cheſholme, becauſe of his lang ſtay there, partly by the perſwaſion of ſum politicks, partly to eſchew the perrills imminent to all thame that calles thameſelfis Catholikes, partly to keepe himſelfe in the favour of his King, quha preaſit him greatly to ſubſcrive the Confeſſion of the Heretikes, and to league with England. Bot for all this, his heart is na wiſe alienat from our cauſe; for he hes the ſoul ever gude, albeit he haue not ſik vigour to perſevere, and execute ſik as is requiſite, in ſa great an enterpriſe; but thay may helpe thay defects, putting beſide him a man of credite, reſolute to affiſt him, as we haue adviſed to doe, ſen the Barron of Fentrie is put in waird be the King, in the Towne of Dundie: Swa that he darre not gang out of the portes thereof, vnder the paine of a great ſowme, quhill the occaſion may bee offerit to depart the cuntry, within the tyme limited. And I bee the Kings commandement, am diſchargeit to come neir the ſaid Erle; becauſe they have attributed to the ſaid Laird of Fentry, and mee, his conſtancy in the Catholik Religion, and his abſence from Court againſt the Kingis wil: His wairding hes ſum quhat hinderit our courſe, and permittes mee not to move him, as it hes pleaſit you to command mee, and as I deſire to diſpence the money conjunctly with me; ſa that for ſuppleing of the default of him, I haue aſſociat to the ſame end, a very honeſt man and very wiſe, callit Father William Criechtoun Ieſuiſt, quha wes detenit ſum yeiris in the towne of Londoun, after hee was tane vpon the ſea, cummand toward this from France. Likewiſe, I ſall helpe my ſelfe be the prudence of Schir Iames Cheſholme, eldeſt brother to the ſaid Iohn, quha brought the money from your hieneſſe. For hee is a man confident, wiſe, ane on our part, and very litle ſuſpect. In the mean time, the ane part of the money is in the principall houſe of my Lord Lvingſtoun, a very Catholike Lord, the vther heir in Edinburgh, in great enugh ſuirtie, to helpe as it ſall neid the Lords Catholiks, quha will conveene heir very ſoon to reſiſt, to the defyinges of thame of the faction of England, quha in the ſame time are purpoſit to remaine at Court, with forces, to range all things at their fantacie. As for the like ſowme or greater, quhilk your hieneſſe willis to cauſe follow the laſt ſent heir, it is good in all eventis, it were very ſoone ſent heere, ſecreetly, to help the neceſſitie that may fal out, and to cauſe things incline to our ſide, quhen they are in ballance, as their is great appearance thay will bee, be the occaſioun foirſaid: And in cace that neceſſitie requires na diſtribution, the ſaid ſowme ſall bee keepit and reſervit to better occaſions, or quhill the arrivall of your forces in this Ile.

tyme, it is not to bee obiectit to him now after his aith and subscription geven to the contrare.

The Earle of Huntly dissembles his Religion, first, for feare and policie, after to work his matters the better.

Sir Iames Cheſholme, brother to Iohn Cheſholme, a confederate.

The money is in my L. Levingstonis chiefe house, and at Edinburgh, to serve the Catholieke noblemenis turnis that are shortly to assemble.

Mair money promisit be the Duke of Parme.

It is meanit that Spanish forces suld arrive in this Iland.

Thair is ſuſpition, as alſo arguments probable anugh, that Thomas Tyrie, quha hes brought heir your hieneſſe letters to our King, hes not behavit himſelfe according to his duetie: For hee hes accommodate himſelfe in his behaviour, mair after the affectioun of our Chancellar (quha is of the faction of England, and abuſes the credeit hee hes with the King) nor according to the inſtructions given him thair. Hee hes not preſentit nor made mention to the King of Colonell Sempills letter, quhairof I haue cauſit preſent the copie to his Majeſtie be the Erle Bouthwell, as gif it had beene ſent to him with an vther of the ſaid Colonellis to himſelfe, quhilk hee reſavit from Thomas Tyrie at his arryvall, quha hes reported to the ſaid Chancelar, all that Segneur don Bernardino ſpak to him, in Pariſe, to the diſadvantage of the ſaid Chancellar. Alſwa, hee hes reportit to the King, that my Lord Biſchop of Dumblane, beeing returnit thair, ſpake to your hieneſſe and to vthers, many things to the great prejudice of his hienes: And it is beleeved alſo, that he is the cauſe of the ſuſpitioun quhilk is conceavit of the comming of the ſaid Iohn Cheſholme, newlie to the ſaid Biſhop. However it be, the vther reports foirſaid, quhilk he hes made, hes not ſervit to conciliat, but to alienate the affection of the King, of the Chancelar and mony otheris heretickes from the ſaid Segneur don Bernardino, the ſaid Biſchop, and Catholickes heir, that hes had adoe with thame. As for mee, albeit I ſpeak not willingly to the diſadvantage of ony whatſomever, chiefly of thame whome I haue recommendit, as I did the ſaide Thomas Tyrie to the ſaid Don Bernardino, ȝet I will preferre the love of the treuth to men, and wald not in concealing thereof, bring prejudice to the publick well, nor to the fidelitie that the an aught to vthers, and ſpecially to that we aught all to the King of Spain, and ȝour hieneſſe, to quhome I am preſently ſervand, particularly addicted, bee the obligation of five hundreth crownes of fee, and fourty for monethly entertainement, quhilk it hes pleaſit your hienes to give mee friely in name of the King of Spaine, vnbeing required for my part, nor vther thing for my particulare to this preſent; bee reaſoun quhairof, I am the mair bound to give your hienes maiſt humble thanks, and to endevour my ſelfe to deſerve, be my maiſt humble and faithfull ſervices, als weill the ſaid entertainment, as the recompenſe it hes pleaſit ȝour hieneſſe to promiſe me of your grace and favour. The ſaid gift of your liberalitie, come to me weill to purpoſe, ſeing bee reaſoun of the danger of my perſon, it behuiſit mee to augment my ordinare tryne for my greater ſuirtie, quhilke I was not able langer to have borne out without helpe. For from all the lordes of Scotland, I have not retyred but a part onely of the money, quhilk I ſpendit travelling, for the well of this cauſe in Spaine with his Majeſtie Catholike, and with your hieneſſe in the low countries. As for the foure hundreth crowns imployed for the deliverance of Colonell Sempill out of priſon, I haue put in it compt with

They compt our King amangis the heretickes.

Bruce servand to the King of Spaioe, and to the D. of Parme, hes ane pensioun of 40 crounes in the moneth, and 500 crounes of ferill.

Bruce hes negotiat in Spaine with the K and in the law countries with the D. of Parme.

the remanent quhilk I deburſed of the firſt ſowme, according as it hes pleaſit your hieneſſe to command me. The Earle of Mortoun, to quhome I haue given conſolation bee writ in priſoun, hes inſtantly prayed me alſo be write to remember his maiſt affectioned ſervice to your hienes. Finding himſelf greatly honourit be the care it pleaſit yow to have of him. Be the grace of God he is na mair in danger of his life, be way of iuſtice; it not beeing poſſible to his enemies to prove againſt him ony thing quhilk they had ſuppoſed in his accuſatioun: As alſo the Kinges affection not ſa farre alienate fra him as it hes bene heeretofore: And incaiſe thay wald noye him, or that it were preſently requiſite for the weill of our cauſe to deliver him, wee have ever moyan to gette him out of priſoun, and abides not in the meane time, bot the Kings will towarde his liberty, only to avoide all perſuit that thay wald make, gif wee delyvered him extraordinarly. Quhen they offerit him in the Kings name his libertie, gif he wolde ſubſcrive the confeſſioun of the Heretikes faith, he anſwerit hee walde not doe it for the Kings crowne, nor for a hundreth thouſand lives, if he had them to loſe; and hes offerit to confound the Miniſters be publicke diſputation. I ſall ſolicite the lords, his friends, to procure of the King his libertie very ſoone: for hee importes mair the well of our cauſe, nor ony of the reſt, be reaſoun of his forces, quhilkes are neare England, and the principall towne of Scotland, and the ordinare reſidence of our kings: As alſwa, he is the lord the maiſt reſolute conſtant and of greateſt executioun of ony of the Catholickes. It is na ſmall marvell, conſidering the moyanes the heretickes hes to harme vs, and thair warldly wit ſa far paſſing ovrs, and thair evil will and intentioun againſt vs, that wee ſubſiſt. Truely, wee cannot bot attribute the effect thereof to God, quha (then when the certain newes of the returning of the arme of Spaine be the backe of Ireland, were diſperſit through this country, and the heretickes of the faction of England triumphant, and the conſtancie in the outwarde profeſſioun of the Earle of Huntly and others wes branglit) cauſit the Earle of Angus to die, quha wes cheiffe of the Engliſch faction, and the ſelfe ſame time ſuſcitat ſum diſſentioun amangis the hereticks, bee reſoun of ſum offices that ſum pretendit to vſurpe aboue vthers at Court, and bee the inſtant prayers and haly perſwaſions of twa fatheres Ieſuiſtes, convertit to our holy faith twa hereticke Earles of the firſt of authoritie and power amangis them, the an quhairof is callit the Earle of Erroll, conſtable of Scotland, convertit bee Father Edmond Hay: The vther called the Earle of Crawfurde, convertit bee the ſaid Father William Criechtoun. Thaye are baith able and wiſe young lordes, and maiſt deſirous to advaunce the Catholicke faith, and your interpriſes in this Ile, quhilk they are deliberate to teſtifie to his Majeſtie Catholicke and your hienes by their owin letters, quhilke be the grace of God, I ſall ſend be the firſt commoditie. In the meane tyme, they haue

Quhat ever this nobleman hes beene at this tyme it is not to bee obiectit to him, now efter his aith and subscription given to the contrare, gif he remaine constant.

The King of Spain and D. of Parme hes interprises to bee executed in Scotland.

required me to mak yow offer of thair maift humble and maift affectioned fervice, promifing to follow quhat fumever the faid Iefuiftes and I fall thinke good to bee done, for the confervation of the Catholikes, and to difpofe and facilitat the executioun of your enterprifes heir, quhilk thay may doe mair eafily, nor thay that are knowne to bee Catholikis, quhais actions are ever fufpitious to the heretikes, for thair Religioun, quhairof thir two Earles hes not yet made outward profeffion: but in that, as in the reft, thay fubmit them felfis to our will, and to that we finde maift expedient. The faides fathers of that company makes great fruite in Scotland, and fa foone as ane lord or other perfon of importance is converted bee thame, they difpofe and inclyne in the very meane time their affection to the fervice of the King of Spaine, and your hieneffe, as a thing infeparablie conjoined with the advancement of the true Religon in this country. Gif I had commandement of your hieneffe, I walde give thame fume litle almous in your name, to help thame and eight vthers, quhairof foure are alfo Iefuifts, and the vther foure ar feminarie prieftes of Pontawmonffone in Lorane; quhilkis are all the Ecclefiaftickes, that produces fa great fpirituall fruite in Scotland, and acquires to 3ow heir fik augmentation of your friendes and fervantis. After the pairting of Colonell Sempill from this, the lords fent letteris with the faid Father Creichtoun and vther gentlemen, after the armie of Spaine, to caufe it land in this cuntry; bot it had taken the way to Spaine few dayes before their arrivall at the Iles, quhair it had refreffed the felfe, fa that it was not poffible for them to attend on it. Thay of this country that are of the faction of England, were in a marvellous feare, during the incertitude of the landing of the faid armie, and confeffes plainly, if it had landit heir, thay had bein alluterly wrakkit. The Erle Boithwell, quha is Admirall of Scotland, and als galzerit a lord as ony is in the country, albeit hee make profeffion of the new Religion, yet is he extreamly defirous to affift 3ow againft England, having lifted and entertained all this fommer, (vnder pretext to ga dantoun the Iles) fum trowpis of men of weir, quhilk, together with his forces ordinaris, fuld haue ioyned with yours, gif thay had cummit heir. He fuffers himfelfe to bee peaceablie gydit be me, notwithftanding the diverfity of our Religion, and hes oftentimes faid, that if the Catholickes wald giue him fuirtie to poffeffe, after the reftitution of the Catholickes Religion, twa abaies quhilke he hes, that hee fuld even prefently bee altogether ane of ours: Hee intends to fend the Colonell Halkerftoun, to accompanie certaine captaines and gentilmen to Spaine, and almaift foure hundreth fouldeours all faife from the nawfrage in our Iles. And becaufe thay are in great neceffitie, he is purpofed to accommod thame with fhips, victuals and vther things neceffare, to teftifie thairby to the King of Spaine, the affection hee hes, to doe him maift humble and affectioned fervice: And gif we think it good,

The Iesuists and priests doe great hurt in Scotland.

Heereof it is evident, that the declining to papistrie drawis with it defection fra our native Kingis obedience to the service of the K. of Spain and D. of Parme.

The Papist lords did sende bee Creichtoun, to move the Spanish flot to land in Scotland.

hes offerit himſelfe to ga out of the country, and to ga offer himſelfe to your hieneſſe in the Law Countries, and be your adviſe thairafter, doe the like to his Majeſtie Catholike in Spaine. Bot heerevpon, wee ſall adviſe vpon the maiſt expedient: Gif wee may alwayes be aſſurit of him, he will bee alſe profitable for the well of our cauſe, as ony lord in Scotland: For he hes great dependance about this towne, quhilke is the principall of Scotland, as alſwa, vpon the fronterris of England. Hee hes offerit to maintaine and defend me againſt all that wold attempt againis me. Wee haue choſen for every Catholike lord a gentleman of the wiſeſt and faithfull Catholikes, and belovit of their friends, to ſerve thame of a counſell, and to conveen at al occaſions, to reſolve the maiſt expedient that may concern the well of our cauſe, according to the will and intentioun of thair lordis, quha hes obleiſt thameſelfis to approve and execute thair reſolutions, and nawiſe to contraveine the ſame. And bee that moyan, we hope to proceede with greater ſoliditie and effect, than wee have done heirtofoir: Alwayes, thir ſall knaw na thing of our intelligences thair, nor our finall intentiounes, bot according to the exigence of the effaires ſall be in hand, and that ſuperficially, and without diſcovering our ſelfis over farre.

A counsell of chosen men for every Catholike lord are erected be Bruce for the execution of Catholicke interprises.

ȝour hieneſſe ſall vnderſtand, bee the particulare Letters of the lordis, that quhilke reſtes to bee ſaid to yow by thir preſentis: Be reſoun quhairof, I will make end, maiſt humbly kiſſing your hienes handis: And prayand God to give yow all the gude hope and felicitie ye deſire. From Edinburgh, the 24 of Ianuarie, 1589.

Your hieneſſe maiſt humble and maiſt affectioned ſervitor,

Robert Bruce.[1]

(Jun. 12)—Charges ordained to be given to the keepers and withholders of the 'placeis, houſſis, touris and fortaliceis of Strathbogy, Boig of Geycht, Innernes, Slanes, Douglas, Bothuill, Drymmen, Ruthuen in Badȝenauch, Crawfurde, Auchindoun, Gartlie, Peill, Birnes, Balgawy, *to rander and delyuer the ſamyn* to the Herauldis, purſevantis or vthiris officeris, executouris of the ſaides Letteris; and to remove thame ſelffis and thair ſeruandis furth thairof, within xxiiij houris,' under the pain of Treaſon.

(Jun. 13.)—Robert Logane of Reſtalrig, ordained to be denounced rebel, for not appearing before the King and Council, to anſwer a charge at the inſtance of Robert Gray burgeſs of Edinburgh; 'makand mention, That quhair vpoun the ſecund day of Aprile laſt, he being paſſing in peceable and quiet maner to Beruik, for doing of certane his leſſum effearis and buſynes, lippynning for na

[1] In the Advocates' Library, there is also a copy of the same Tract, printed *verbatim* with the Edition from which the present has been taken. It is chiefly in Black Letter. Another Edition was 'printed at London by T. Snodham, and are to be ſould at the houſe of T. Eſte, 1603.'

trouble nor injurie of ony perſonis; treuth it is, that Johnne *alias Jokkie* Houldie and Petir Craik ('houſhald') ſeruandis to Robert Logane of Reſtalrig, with three vthiris thair compliceis, vmbeſett his hie way and paſſage, beſyde the Bowyrod; quha not onlie reft and ſpuilzeit fra him nyne hundreth and fiftie pundis money quhilk he had vpoun him, bot alſwa, maiſt cruellie and barbarouſlie invadit and perſewit him of his lyffe, hurte and woundit him in the heid, and ſtraik him with diuers vtheris bauch ſtraikis vpoun his body, to the grite danger and perrill of his lyffe, to the ſaid complenaris vtter wrak and euill example of vthiris to committ the lyke rubberie and violence,' &c. Logan failed to appear and to preſent theſe perſons, for whom he was reſponſible.

(Jul. 11.)—Johnne Eler 'citienair of the toun of Danſkene,' as procurator for Joachym Eler, Michael Meves and other *citizens of Danskene*, obtain Letters for charging 'PATRIK ERLL OF ORKNAY, Johnne Forret of Fingaſk, and Dauid Hoppringle, mercheant and burges of Edinburgh, for the wrangous, violent and maiſterfull ſpoliatioun and away-taking fra the ſaidis perſewaris, of ane ſhip of the toune of Danſkene, callit 'The Ark of Noy' (Noah,) with hir ankeris, cabillis, towis, furnitour, and certane vtheris guidis and geir.'

(Jul. 22.)—PROCLAMATION, that 'the Kingis Maieſtie, now finding the effectis of the traiterous practizeis of his diſloyall and maiſt vnthankfull and vnnaturall ſubiectis ſafer *(ſo far)* procedit, as THE JESUITIS, the pernitious ſpringis and inſtrumentis of thir euills ar returnit; not ſimplie, bot accumpanyit with ſtrangearis, and furniſt with money to ſteir vp and profequute a publict wear, aganis God, his trew Religioun, his Maieſteis perſoun and authoritie,' &c. 'For reſiſting and repreſſing of quhilk maiſt treſſounabill and odious attemptatis, his Maieſtie willis and effectuuſlie requiris all Miniſteris of Godis worde, within the haill Preſbitereis ouer all the realme, eirniſtlie to travell with all his hienes faithfull and gude ſubiectis of all eſteatis, alſweill to burgh as to land; to tak this mater in harte, as that quhilk importis the preſent dangear and haſard of thair Religioun and conſcience; the lyffis of thame ſelffis, thair wyffis, bairnis and kynnisfolkis; the conqueiſt of thair natiue cuntrey and of thair awne landis, levingis and guidis, vailȝeantlie defendit be thair worthie foirbearis, vnto this age; fra that maiſt crewell and vnmercifull Natioun of Spanȝie and thair adherentis: And to that effect, to move the Baronis and gentilmen in euerie ſhyre or priſbiterie, and the Proueſt and bailleis of ilk burgh, to convene with all ſpeid, in ſic convenient placeis as thay ſall think maiſt expedient, to adviſe vpoun the beſt and maiſt expedient meanis to reſiſt and repres the inteſtine and foreyne inemeyis of trew Religioun, &c.; and to reporte vnto his Maieſtie thair guid-willis, and offeris to prepair thame ſelffis with armour and victuallis, to pas fordwart with his Maieſtie, vpoun the nixt aduertiſment.'

(Jul. 25.)—A COMMISSION granted to 'ARCHIBALD ERLL OF ERGYLE

Lord Campbell and Lorne, Johnne Erll of Athoill Lord Balvany, and Johnne Lord Forbes,' conſtituting them 'his hienes Lieutenmantis and Juſticeis within the boundis of the ſherefdoms of Abirdene, Banff, Elgin, Fores, Narne, Inuernes, Cromartie and Tarbett,' to 'pas fordwart, ſerche, ſeik, tak, apprehend, or vtherwiſe to perſew to the deid, with fyre, ſwerd and all kynd of rigour and extremitie, all his hienes declairit Traitouris, rebellious and vnnatural ſubjectis, *Jesuitis, Seminarie Priestis, Trafficquing Papistis*, and thair reſettaris,' &c.

(*Eodem die.*)—Proclamation calling the Earls, Barons, &c. of the ſhires of Edinburgh, Haddington, Berwick, Roxburgh, Selkirk and Peebles, to repair to his Majeſty, at Edinburgh, Aug. 26; thoſe within the bounds of Lanark, Dumfries, Wigton, Ayr, Tarbet, Bute, Renfrew, Dumbarton, Linlithgow, Stirling, Clackmannan, Kirkcudbright and Annandale, Kile, Carrick and Cunninghame, at Stirling, on Aug. 27; Fife, Kinroſs, Perth, Stratherne and Menteith, at Perth, on Aug. 28; Forfar and Kincardine, at Brechin, on Aug. 29; Aberdeen, Banff, Elgin, Forres, Nairn, Inverneſs and Cromarty, at Aberdeen, on Aug. 31; 'and fra thyne to pas fordwart as thay ſalbe commandit, for reſiſting and repreſſing of the treſſounable practizes and conſpiraceis of the ſaidis vnnatural ſubiectis, or perſute of thame, as occaſioun ſalbe offerrit.' Licences to be granted to the 'ageit, diſeaſit and infirme, thay payand ſic reſſounable compoſitioun thairfoir, for the furtherance of this ſeruice, cheiſlie the payment of the wageis of horſemen and futemen,' &c. Theſe Treaſons are ſaid to have been highly aggravated, by their taking place 'evin in this tyme appointit for his hienes baptiſme of his darreſt ſone the Prince, quhome God in his mercie hes grantit to the conforte of this natioun; be the aſſiſtance and witneſſing of the ſouerane Princeis his maiſt deir freindis and allyes, and commoun welthis, his narreſt and gude nichtbouris.'

(Jul. 31.)—Kangeauch M'Kangie of Kintaill was charged to appear and produce a Commiſſion of Juſticiary, 'maiſt inordourlie paſt aganis the tennour of the Actis; and ſpeciallie, gevand him pouer to proceid aganis perſones dilaitit of treſſounable Fyre-raſing, quhilk is onlie propir to the Juſtice Generall and his deputis, and aucht na to be tryit befoir ony inferiour judgement.'

(Aug. 2.)—Andro Ker of Fairnyhirſt, Thomas Ker his brother, Thomas Ker of Caveris and Robert Ker of Newtoun, having been denounced rebels, 'for ſubſcryving of ane Aſſuirance to Schir Robert Ker appeirand of Cesfurde.' They are charged 'to pas and entir thair perſonis in warde, within the Caſtell of Dunbartane;' until they obtain themſelves relaxed from the proceſs of horn.

(Aug. 15.)—Williame Hay of Linplum to be denounced rebel, for not anſwering to a charge at the inſtance of M' Dauid Ogill miniſter at Humbie, and

Mr George Chalmer miniſter at Bar, 'that quhair, thay being deſyrit be certane freindis, at his ſpeciall directioun, to haue conuenit with him at ane tryiſt, vpoun the ground of his awne landis, for removing of the contrauerſie betuix him and the ſaid Mr Dauid, anent the richt of the vicarage of Barro;' they on 8th inſtant attended, when Hay 'came and mett thame, accumpanyed with three of his ferauandis in armes, and befoir the vttering of ony ſpeicheis to thame, he ſhamefullie and vnhonneſtlie perſewit thame of thair lyveis; thay haueing na thing, faulffing thair buikis in thair handis, ſhoit and diſchargeit his piſtollett at the ſaid Mr Dauid, off ſett purpois and prouiſioun to haue ſlane him thairwith; and he happynning with the ſame ſhoitt to fall, the ſaid Williame belevit he wes ſlane, and left him for deid; and thaireftir followit and perſewit the ſaid Mr George and preſentit ane bendit piſtollett at him, quhilk miſgave, cheiſſit him three quarteris of ane myle, and had not faillit to haue ſlane him, wer nocht he gatt entres within the portis of Hadingtoun, and wes releuit be the inhabitantis thairof.'

(Aug. 17, *apud Striuiling.*)—PROCLAMATION, referring to the circumſtance of the preceding Proclamations having been iſſued, in regular form;—'nochtwithſtanding, be reſſoun of the preſent ſeaſoun and nature of the yeir, and lait harveſt liklie to follow, be that occaſioun, the grite grudge and murmuring of a grite nowmer of his Maieſteis gude ſubiectis, giff thay ſalbe drawne frome thair harviſt, cheiſlie at that tyme quhen as thair coirnis ar rype and reddy to be ſhoirne; reſpecting heirwithall the grite ſcairſtie of viuers and vtheris neceſſaris for men and horſis, and grite derth that hes followit and yit continewis be that occaſioun; and laſt, the want of ane thouſand wageit men on horſe and fute, thocht neceſſar for this purpois and yit not tane vp.'—Therefore the lieges are ordained to convene at the before-named places, on the laſt day of September—firſt, ſecond, third and fourth days of October, 'for reſiſting and repreſſing of the treſſoumable practizes,' &c.

(Aug. 24.)—PROCLAMATION, charging 'all and ſindrie noblemen, gentilmen and vtheris his hienes faythfull and gude ſubiectis, luiffaris of the honnour of his hienes and thair natiue cuntrey, that thay and euery ane of thame preas be all gude means poſſible to intertene the *Ambassadouris* ['of ſindrie Princeis and Commoun-welthis, darreſt and narreſt freindis to our ſouerane lord and lady, repairit to this burgh of Striuiling to the BAPTISME OF THE PRINCE, darreſt ſone to our ſouerane lord,'] and the gentilmen and vtheris being in thair cumpanyis, freindlie and courteouſlie: And that thay may performe the ſame the mair effectuallie, that thay retene nane in thair cumpany bot ſic as ar diſcreit, courtas, of gude inclinatioun, and honneſt behauiour; nawayes factious, querrellous, bot ſic as will vtterlie forbeir to invade or perſew ony maner of perſone or perſonis, or

mak pronocatioun of diſpleaſour, in worde, deide, or countenance outhir for auld feid or new, or for quhatſumeuir caus or occaſioun, in coming to this toun, remaning thairin, or depairting thairfra,' &c.

(Sep. 10, *apud Haliruidhous.*)—Act anent Thomas Foullis, goldſmith and burgeſs of Edinburgh, in which it is narrated, That in conſideration of the ſum of £14,598 'preſentlie lent and deliuerit to the Kingis Maieſtie, and vthirwayis hes deburſit in certane his hienes awne particulair effairis,' 'his Maieſtie hes preſentlie conſignit and delyuerit in his handis twa *Drinking peceis of gold,* weyand in the haill fyftene pundis and fyve vnce of Gold.' And in caſe of non-payment of the above ſum, betuix and the firſt day of Nouember next, 'Ordanis him and Thomas Achieſoun his Maieſteis Maiſter cunȝeour, to ſtryke doun and cunȝie, and caus the ſaidis twa drinking peceis of gold to be ſtrukin doun and cunȝeit, in ffyve pund peceis;' 'The ſuperplus, giff ony beis, to mak furthcwmand and delyuer to his Maieſteis ſelff.'

(*Eodem die.*)—Another '*Drinking pece of gold,* weyand tuelff pundis and fyve vnce of gold,' conſigned, on the ſame conditions, with Thomas Achieſoun Maiſter Cwnȝeour, for payment of £6000, advanced by Johnne Arnott burges of Edinburgh. Achieſoun becomes cautioner for his Majeſty; and for his relief, he is empowered to 'ſtryke doun and cunȝie' the Drinking pece, if the money be not paid within the time ſtipulated; and after ſatisfying Arnott, to pay the ſurplus to his Majeſty.

(*Eodem die.*)—Johnne Arnott gets Aſſignation of the ffew-farms and ffew-mailes of his Majeſty's proper lands of Colbrandiſpeth, for 'this inſtant crope and yeir' 1594, and of the crops and years 1595 and 1596; and alſo the ffew-mails of his highneſs's proper lands of Orkney and Yetland, of the years 1595 and 1596; for ſums expended before the 'incwming of the ſtrangearis to this honnourable tyme of the baptizing of the Prince,' viz. £5000 for 'wyne and beir;' and '8000 markis, to the intertenying of his Maieſteis and the Quenis grace, his darreſt bedfellowis, awne houſſis, quhan all vthir moyane failit;' which, with 'annualrent,' then amounted to £11,500.

(*Eodem die.*)—'Proclamatioun for the North.' The 'Erllis lordis,' &c. ordained to meet at Edinburgh, Sep. 30, at Dundee, Oct. 4, and at other times as ſpecified in Letters to be directed, at Aberdeen; with thirty days' victuals and proviſion, after their reaching Aberdeen;—'for reſiſting of the treſſounable practizeis of the ſaidis declairit tratouris,' &c.

(Sep. 30.)—Act in favour of Thomas Foullis goldſmith, burges of Edinburgh, that he had 'preſentlie, at his Maieſteis eirniſt deſire, lent and deburſit the ſowme of £12,000, for outredding of ſindrie his hienes effearis, ſpeciallie the payment of the wageis of horſemen and futemen, leveyed for the advancement

of his hienes authoritie and ſeruice in the North pairtis of this realme.' Until repayment, ten per cent intereſt is ſtipulated to be paid.

PROCLAMATION againſt FRANCIS ſumtyme ERLL BOTHUILL.

(*Eodem die.*)—FORSAMEKLE as the vnnaturall and maiſt odious Rebellionis of FRANCES ſumtyme ERLL BOTHUILL, is now manifeſted to the haill warld, in hie and manifeſt contempt of our ſouerane lord and his auctoritie; ffirſt, breking warde oute of the Caſtell of Edinburgh; Invading his Maieſtie vndir cloude of nicht, at his Palaceis of Haliruidhous and Falkland; Awaitting on his Maieſtie, at his ouerpaſſing at the Ferreyis of Leith and Kinghorne; Seiking at ſindrie tymes, beſyde the burrowis of Edinburgh and Linlythgow, to haue ſeaſed on his hienes perſone, at the hunting; Entering in his preſence, in maiſt irreverent and barbarous maner, the xxiiij day of July, the yeir of God 1593, at his Palice of Haliruidhous foirſaid; Clengeing him ſelff of the odious cryme of Witchecraft, in a Judgement, quhair he wes baith Juge and pairty; Preaſing his Maieſtie (yea almaiſt compelling him aganis his harte, giff he had not preferrit his honnour and libertie of his Crowne to his awne lyffe,) to capitulat with him, in materis maiſt foule and ignominious: And the thryd of Aprile laſt, in his diſpyte of his Maieſtie, cwming with diſplayed baneris in ſicht of ſtrangeris and in his hienes awne preſence, committing preſumptuus inſolenceis vpon his hienes gude ſubiectis: By quhilkis treſſounable and continuall indigniteis, the ſaid ſumtyme Erll, labouring his Maieſtie now the ſpace of three yeiris and mair, he hes perturbit his hienes and his eſtate, in ſic ſorte, as he had na laſair to correct the practizaris with ſtrangeris for ſubuerſioun of Religioun and amitie betuix the tua realmes, quhairvnto baith his hienes awne conſcience and eirniſt prayeris of his gude ſubiectis urged him; till now, of lait, his hienes, hoiping be his lang patience, to haue moved the ſaid ſumtyme Erll to ſum conformitie and humiliatioun, he aſſignit the ſecund day of October nixt to cum, for going fordwart in that Criſteane ſeruice aganis the ſaidis Practizaris; bot the ſaid Boithuell, ſhaiking of all Religioun (with opinioun quhairof he had abuſed the ſimple people, during the ſpace of three yeiris foirſaid), and making ſhipwrak of all honneſtie, hes enterit in freindſchip with the ſaidis Practizaris, reſſauit thair gold, and promiſſed to thame, befoir the ſaid ſecund day of October nixt, ather to apprehend and poſſes his hienes perſone, or then, giff he ſett fordwart to the North, ſua to perturb the South pairtis of this realme, be ſurpriſing the Caſtellis of Blaknes, Thomptalloun, Bruchtie, Brint-Iland, Ile of Man, and be vthiris incurſionis; as his hienes ſould be forced, vndoing juſtice with the ſaid practizaris, to returne with ſhame and diſcredite: And to that effect, the xiij of September inſtant, or thairaboute, to haue invadit his Maieſtie, vndir ſilence of nicht, at his

Palice of Halyruidhous foirſaid, without ſpairing ony perſone, from the vtter ȝeit (*outer gate*) to his bed chalmer; haueing, for that purpois, three or fourefcoir of his rebellious complices warned to haue concurred with him, at the place and tyme foirſaid; and immediatlie eftir his Maieſteis apprehenſioun, to haue caryed him captiue to the Caſtell of Blaknes, (the keipar quhairof, being corrupt, is now execute for his demereitis,) thair till haue detenit his hienes, till his diſordourit outlawis had cum frome the Bordouris, quha wer indeid vndir wairning to haue mett the xv of this inſtant, at Jedburgh, and fra that to haue haiſted to Bothuill for his releiff; and to his Maieſteis perpetuall ſhame, how ſone thay had hard of his captiuitie, giff God of his mercy had not, be Letteris vndir the ſaid Bothuillis awne hand, quhilkis wer found vpon Mr Allane Orme, ane of his ſervandis, detected the names of his aſſociattis, quhairby ſum of thame wer apprehendit, and the reſt fugitiue, and his Maieſtie through devyne grace deliuerit of that moſt dangerous Treaſſoun: And as the ſaid Bothuillis diſſembled hypocriſie, thir three yeiris paſt, had procured to him the fauour of ower mony of his people, be the quhilk he was inabled to work all thir inſolencies aganis his hienes, ſo wes his Maieſtie, not onlie aganis his naturall inclinatioun, (being moir inclynnit to pitie nor to pvniſhe,) forced nochtwithſtanding, to pvniſhe ſum of his dependaris, for the terrour of vtheris; bot be the ſame fauour of the people borne to the ſaid Bothuell, his hienes wes diſtracted and diſabilled to proceid in the gude caus foirſaid, with that eirniſtnes that he intendis: And ſo, be the ignorant and fooliſhe affectioun of his liegis borne to the ſaid Bothuill, he was impeſhed and haldin bak fra that quhilk thay maiſt deſirit, and he wes maiſt willing vnto; ffor thay, conforting the ſaid Bothuill, maid him bauld, euerie three monethis to mak a new Conſpiracie; quhilk forceit his hienes, for ſaulftie of his lyffe and honnour, to neglect all vtheris actionis, and onlie to prouyde aganis his barbarous and diſperat invaſioun: Bot ſeing his defectioun from the trew Religioun, quhairwith, in maner foirſaid, to this hour, he hes cloiked all his Treaſonis, is now manifeſt be his actionis, all Letteris ſend to the Miniſteris beiring his accord with the ſaidis Papiſtis; his hienes hoipis that nane of his gude ſubiectis, treulie profeſſing the ſaid Religioun, ſall conforte or harbour him heireftir, ony mair; bot, in reſpect the ſaidis Papiſtis and he now being all joyned in ane rebellious ſocietie, haue maiſt ſhamefullie abuſed his hienes ſaid liegis, thay falſlie pretending his hienes fauour, and Bothuill als falſlie pretending a cloik of Religioun: His hienes ordanis Letteris to be direct to Officeris of armes, ſhereffis in that parte, chargeing thame to pas to the mercat croceis of the heid-burrowis of this realme, and vtheris placeis neidfull, and in his hienes name and authoritie to mak publicatioun heirof, that nane pretend ignorance of the ſame: And to command and charge all and ſindrie his hienes lieges, ordanit be his formair

Proclamatioun to attend vpoun his Maieſtie, that thay convene thame ſelffis, in maiſt fenſible and ſubſtantious maner, to accumpany and defend his Maieſtie, in his maiſt Criſtiane ſeruice; quhairin euery ane of thame, eftir a meaſure, hes als grite intereſt as him ſelff, and on the ſucces quhairof dependeth the eſtate of the ſaid Religioun, ſtabilitie of his Crowne, and thair ſaulftie: As alſwa, commanding and chargeing ſamony of his Maieſteis ſubiectis as ar permittit to remane at hame fra this preſent Raid and Armey, faithfullie to aſſiſt and concur with his hienes Lieutenent, Williame Erll of Mortoun, and all vtheris his Maieſteis officeris, Commiſſionaris, or Wardanis, for repreſſing of the ſaid Bothuill, or ony vtheris his Maieſteis rebellis inſolenceis, during his hienes abſens and remaning in the North; according to his Maieſteis Commiſſioun gevin to the ſame effect: Certifeing thame that dois in the contrair, thay ſalbe repute and haldin gilty of all crymes committit be the ſaidis rebellis, and perſewit and pvniſt thairfoir with all rigour and extremitie, in example of vtheris.

(Oct. 1.)—'PROCLAMATIOUN, for concurring with ARCHIBALD ERLL OF ERGYLE and JOHNNE LORD FORBES, Lieuttennentis in the North pairtis of this realme.' The lieges are charged, 'that thay and ilk ane of thame, weill bodin in feir of weir, addres thame ſelffis and joyne in cumpany with the ſaidis Lieutennentis, concur, aſſiſt and tak ane efauld and trew parte with thame, following thair directioun in the perſute of the ſaidis declairit tratouris,' &c.

(Oct. 2.)—LICENCES for 'abiding from the Raid' are ordained to paſs the Signet and to be duly regiſtered, otherwiſe to be held as null.

(Oct. 4.)—'PROCLAMATIOUN for concurring with BUCKCLEUCH (Sir Walter Scott of Branxholme kn^t^), Keipar of Liddiſdale.' The Wardens of the Eaſt and Middle Marches and the lieges are directed to 'ryiſe, concur, fortifie, aſſiſt and repair to the ſaid Sir Walter, at all tymes as thay ſalbe requirit thairto, be his Miſſine Letteris, &c. for perſute, taking and apprehending, reſiſting and repreſſing of the inſolence of his hienes declairit traitouris,' &c. This Proclamation proceeds on the narrative, that the King had 'gevin and diſponit to him the office thairof (the Keeperſhip of Liddiſdale), heritablie, in tyme cwming.'

(*Eodem die.*)—'PROCLAMATIOUN to aſſiſt THE LAIRD OF CESFURDE, WARDANE' (of the Middle March). The lieges within theſe bounds, 'and in ſpeciall, the inhabitantis of the burgh of Jedburgh,' are charged to concur, &c. as in the former Proclamation.

(Oct. 8, *apud Dundee.*)—ACT in favour of Sir JAMES SKRYMGEOUR of Dudop kn^t^, Conſtable of Dundee, that 'albeit his Maieſtie hes appointit ane of his hienes Page of Honnour to beir ANE CORNETT BLANCHE befoir his hienes, during the tyme of the preſent Raid, for the bettir attendance to be gevin be his

houſhald ſeruandis on his Maieſteis awne perſone; yit ſall the ſame nawayes derogat nor preiuge the ſaid James Infeftmentis,' &c. viz. 'the place and preferment of BEIRING HIS HIENES BANER AND STANDART before his Maieſteis perſone and his ſucceſſouris, at tymes of Oiſtis, Weiris, Raidis, Armeis and Battellis;'—'nather ſall the ſame Blanche Cornett be borne nor vſit eftir his Maieſteis Baner and Standart foirſaid beis diſplayit, bot the ſame Blanche Cornett rollit vp.'—'And in the meantyme, quhill tryall be tane, the ſaid Blanche Cornett ſall not be borne, except during the tyme of this preſent Raid.'

(Oct. 16, *apud Abirdene.*)—PROCLAMATION, that 'his Maieſtie, with aduise of the Lordis of Secreit Counſale, hes concludit and reſoluit to remane and not to depairt furth of thir North pairtis, vnto the tyme the ſame be quieted and ſetled, to Godis glorie, his hienes obediens, eaſe, repoſe and ſuirtie of all his faithfull and gude ſubiectis,' &c. The 'Erllis, Lordis, Baronis, ſubſtantious ffewaris and landit Gentilmen, &c. togidder with the inhabitants of burrowis, duelland within the boundis of the ſherefdome of Perth, (except the inhabitantis of the Kerſe, be neth the Watter of Ilay, allanarlie,) Striuiling, Linlythgw, Renfrew, Dumblane, the Cuntreis of Ros and Ardmannauch, &c. to repair to his Maieſtie, at Abirdene, vpoun the xxviij of October inſtant; and fra thyne to pas forward,' &c.

(Oct. 19.)—'ALL HOUSSIS, quhairin God hes bene diſhonnourit, ('be committing of Ydolatrie and prophaning of the ſacramentis,') ordanit *to be caſſin doun.*'—'In ſpeciall the placeis, fortaliceis and houſſis of STRATHBOGY, SLANES and NEWTOUN,—and that, in ſignne and memorie of the vnnaturall defectioun and rebellioun of the awnaris and poſſeſſoures thairof for the tyme, aganis God, his Maieſtie and his authoritie.'

(Oct. 23.)—'The CAPITANES and Commandaris of his Maieſteis horſemen and futemen ſalbe anſuerable to the inhabitantes of THE BURGH OF ABIRDENE, for payment to thame of the ordinair chargeis and expenſſis of the perſonis vndir thair charge,' &c.

(*Eodem die.*)—Act in favour of THE BURGH OF ABERDEEN, abſolving their Provoſt, &c. for not apprehending and preſenting '*Mr James Gordoun*, fadirbruthir to George ſumtyme Erll of Huntlie, eftir his landing at the raid and heavin of Abirdene, nor yit for latting to libertie of certane ſtrangearis quhilk arryvit and landit with him,'—nor for reſetting with declared traitors, &c. 'at the horn for the Murthour and Slauchter of vmq^le^ James Erll of Murray.'

(*Eodem die.*)—'Tuentie ſtane wecht of poulder, togidder with certane mattokis, gavillokis and vtheres werklwmes and materiallis for dimoliſſing and caſting doun of houſſes and fortaliceis, valuat and eſtimat in the haill' to £548, 6s. 8d. to be reſtored to the Burgh of Aberdeen, or the value of ſuch as may be loſt or deſtroyed, &c. to be paid.

(Oct. 28, *apud Terrisoule.*)—' ACT anent *the doun-casting* of STRATHBOGIE.'

(Nov. 4, *apud Abirdene.*)—' CAPITANE THOMAS KER and JAMES KER his bruthir' ordered to be denounced, for not anſwering ' twicheing thair treſſounable affiſtance, &c. with *George* ſumtyme *Erll of Huntlie*,' &c.

(Nov. 7.)—' ACT, quhair THE BARONIS gaif thair Aithis to affiſt the Lieutennents.' The names inferted are ' Mariſhaell, Forbes, Lovat, M'Kanzie, Grant, M'Intoſhe, Buchane, Finlatter, Drum, Innes, Phillorth, Effilmouth, Frendraucht, Straloch, Muchallis, Duffus, Vrie, Corſe, Monymuſk, Corſindae, Toquhone youngair, Tutour of Cromartie, Alter, Auchtirallen, Boquhallie, Towy-Barclay, Wardres, Ravynniſcrag, Ludquharne, Pitcaple, Pittindreich, Hairthill, Birnes.'

(*Eodem die.*)—' COMMISSIOUN of Lieutennandrie' granted to ' LUDOUIK DUKE OF LENNOX, Lord Darnelie, Tarboltoun, Methuene and Aubigny, his Maieſteis Lieutennent and Juſtice, within the boundis of the Schirefdomis of Abirdene, Banff, Elgin, Fores, Narne, Inuernes and Cromarty, alſweill to Burgh as landwart, regalitie as ryaltie.' It is directed chiefly againſt *the Earls of Huntlie, Angus* and *Errol*, ' *Mr James Gordoun, William Ogilvy, Robert Abircrumby*, and all vtheris *Jesuites*,' &c. and their reſetters.

(*Eodem die.*)—' DECLARATIOUN in fauouris of the Erll Mariſhaell and vtheris,' that the burning and deſtroying of the place and fortalice of BALLOGY, of the month of October laſt; and thereafter demoliſhing the place and fortalice in NEWTOUN, ' wes and is done be his Maieſteis expres command, allowance and approbatioun.'

(Nov. 8.)—' WARRAND *for making off* BANDIS' is granted to ' the Baronis, &c. of the North pairtis, alſwele for the ſuirtie of the trew Religioun and of thame ſelffis and all vtheris profeſſouris thairof, as for reſiſting of the Invaſioun of his Maieſteis declairit traitouris,' &c. And this, notwithſtanding of all Acts to the contrary.

(Nov. 28, *apud Haliruidhous.*)—' ARCHIBALD ERLL OF ERGYLE promittit, band and obliſt him to mak all the perſonis of *the Surneuame of Campbell*, &c. anſuerable to juſtice; and that he ſall ather cauſe thame ſatisfie pairteis ſkaitheit, ſwa that na complaint ſalbe miniſtrat to his hienes; or then entir thame befoir his hienes or his Juſtice, to vndirly tryall and pvniſhement, as effeires;' ' conforme to the tennour of the Generall Band, lawis and Actis of Parliament.'

(Dec. 19.)—THOMAS FOULLIS, goldſmith, ordained to retain Jewels belonging to his Majeſty, till payment ſhould be made to him of 5900 merks due by the King, ' for certane chenzeis and goldſmith werk;' viz. ' Threttene ſmall diamontis with chattonis of gold; auchtene chattonis of gold ſett with rubeis; and fyve grit rubeis ſett in chattonis of gold, enamelat reid, quhyte and blak.'

(*Eodem die.*)—' Ratificatioun of the Duke of Lennox Commissioun, with a poner to him to grant Remiſſionis.'

(*Eodem die.*)—Claud and Alexander Hamilton, ſons of James H. of Levingſtoun, ordained to be denounced rebels; for coming with their accomplices, ' bodin in feir of weir, of the ſpeciall cauſing, command, &c. of the ſaid James, and of Agnes Cokburne his ſpous, betuix tuelff and ane eftir none, to the ffauld of Preiſtinche, quhair ſhamefullie and barbarouſlie thay hocheit and ſlew with ſwordis ſevin young ky with calff, ſax oxin, and fyve ſtoittis and queyis of three yeir auld,' &c. ' And not content heirwith, thay come, vpoun the xxv of November laſt, furth of the place and Peill of Levingſtoun to the place of Bynnis, quhair Patrik thair eldar bruthir duellis, and thair, efter thay had dynnit (*dined*) and conſultit with the ſaid Patrik, thay come to the milne of Philpſtoun, pertening to James Lord Lindſay of the Byris heritablie, and to Dauid Dundas of Preiſtinche in tak and aſſedatioun, and brak the ſtanes, quheillis, hopper, huipis and gangand graith of the ſaid milne all in peceis, ſtrak and dang thair millaris, held bendit piſtollettis to thair breiſtis, and cauſit thame ſweir that thay ſould duell na langair at the ſaid milne.' &c.:—And that ' vpoun the laſt day of Nouember, they come to the barneyaird of Dudingſtoun and patt fyre in three of the ſtakkis, of purpois and intentioun to haue brint the haill barneyaird.' Lord Lindſay of the Bires, and Dundas of Preſtinch, appeared perſonally to purſue the Hamiltons before the King and Council; but they all abſented themſelves. [See Feb. 3. 1594-5.]

(Jan. 9. 1594-5.)—Williame Polwart, of Rottonraw, ordained to be denounced rebel, for not appearing to anſwer to a Complaint at the inſtance of Sara Hunter, relict of Andro Jouſſy, merchant, burgeſs of Edinburgh: That upon Dec. 23 laſt, he ' with vtheris his compliceis, bodin in feir of weir, come vndir cloude and ſilence of nicht to the complenaris duelling place, within the burgh of Edinburgh, quhair ſho wes, &c. and eftir that the ſaid Williame had craftelie gottin hir yett oppin, he appointit ane nowmer of his compliceis to awaitt at the ſaid yett, to impede and ſtay all thoſe quha ſould happin to cum to the ſaid complenaris releiff; and he him ſelff, with the reſt of his inſolent compliceis enterit within hir houſe, and be ane verie barbarous and vncumelie behauiour, did quhat in thame lay to haue reviſſed hir, and to haue caryed hir with thame quhair thay pleiſit, and to haue rubbit and ſpuilzeit hir houſe; quhilk they had not faillit to haue done, wer not be the Prouidence of God ſho wes deliuerit of that dangeir, be the help of ſum of hir nichtbouris.'

(Jan. 19.)—' Proclamatioun that nane cum to the Conventioun or place of his Maieſteis reſidence, bot ſic as ar writtin for.'

(*Eodem die.*)—' The Kingis Declaratioun, anent the Laird of Johnne-

STONIS PLEGEIS.'—That 'in cais ony perſone of the name of Johnneſtoun, or vtheris for quhome certane plegeis ar now enterit, ſall commit ſtouth-reiff, oppreſſioun or blude, in thair thifteous deidis; or contravene any of the conditiones for the quhilk thay ar now enterit, at ony time heireftir,' if the principal party committer of the theft, &c. be not given up 'to anſueir for thair awne deid, and to vndirly tryale and pvniſhement thairfoir, as appertenis, within xv dayis nixt eftir requiſitioun,' 'the plege or plegeis of that branche or brancheis ſwa offending, to be execute to the deid:' And that Sir James Johnneſtoun of Dunſkellie kn^t^, and Sir Walter Scott of Branxholme kn^t^, ('quha hes gevin Band for fulfilling of certane conditiones') 'ſalbe haldin to enter vther plegeis,' &c.

(Feb. 3.)—'JAMES HAMMILTOUN of the Peill (of Levingſtoun,) Agnes Cockburn his ſpouſe, and James, John, Claud, and Alexander, their ſons, were 'denunceit rebellis;' (See Dec. 19, 1594.) and Alexander Cokburn and Hector Lokhart, their ſervants, were alſo ordained to be denounced rebels, for not anſwering a complaint at the inſtance of 'James Lord Lindſay of the Byris, David Dundas of Preſtinche, and John Yallowleis, Meſſinger (at arms): That upon the xiij January laſt, the ſaid Johnnie Y. accumpanyed with Michael Bynnie ſeruand to the ſaid Lord, and Thomas Huttoun ſeruand to the ſaid Dauid, as witneſſis to him, with foure ſeuerall Letteris and chargeis; and hauing paſt to the Place of the Peill, and at the yett thairof, the ſaid Agnes, &c. cwming furth at the ſaid yett, tuke the ſaid meſſinger be the craig (*throat*), ſtruck him vpone the heid, armes and ſhoulderis, and gaif him mony bauch ſtraikis with piſtollettis; held bendit piſtollettis to his breiſt, cauſit thame to ſweir neuir to vſe ony Letteris agains thame; and in end, with mony threatningis and minaſſingis, in ane verie barbarous and vncouth maner, forceit the ſaid Meſſinger to eit and ſwallie the haill copyis of the ſaidis Letteris, and tuke the principall Letteris frome him; and thaireftir, ſhamefullie and cruellie dang the ſaid Witneſſis with bendit piſtollettis and quhinzearis, and left thame for deid: The lyke of quhilkis ſhamefull and preſumptuus inſolenceis hes ſendle bene hard of in the In-cuntrey; the preparatiue quhairof will not faill to breid a greitair contempt of all law and juſtice, throuch the haill realme, giff this be ſufferrit to pas ouer vnpvniſt.'

(Feb. 4.)—PROCLAMATION 'anent the ſhuiting with hacquebutis and piſtollettis.'

(Feb. 11.)—*The* SUBSCRIPTIONIS *off the* FOIRFALTIT LORDIS *recognosceit.* FORSAMEKLE SCHIR JAMES SCOTT of Baluery, knicht, being ſuſpectit and dilaitit of trafficque and intelligence with his Maieſteis declairit Tratouris, rebellious and vnnaturall ſubiectis; and thaireftir taken, apprehendit, and at laſt committit to warde, and ſindrie tymes examinat thairvpoun; in end, he planelie confeſſit and declairit, That in the moneth of Auguſt laſtbipaſt, he, being in cum-

panie with WILLIAME ſumtyme ERLL OF ANGUS, GEORGE ſumtyme ERLL OF HUNTLIE, FRANCIS ſumtyme ERLL BOTHUILL, FRANCIS ſumtyme ERLL OF ERROLE, GEORGE ERLL OF CAITHNES and vmq^le^ SCHIR PATRICK GORDOUN of Auchindoun kn^t^, in ane Oiſtlair-hous, beſyde the Kirk of Menmure; thair wes produceit be the ſaid ſumtyme Erll of Angus, certane Heidis and Articles, altogiddir writtin with his awin hand, quhairupoun ane Band wes appointit to be maid: Quhilkis, eftir thay wer red in thair preſens and audiens, and had aduiſit, conſultit, concludit and aggreit thairupoun, at laſt thay all ſubſcriuit the ſame with thair awne handis; lyke as, the ſaid Schir James gaif his ſubſcriptioun thairto, as witnes: Quhilkis Heidis and articles being thaireftir committit to his cuſtodie and keiping, he laitlie produceit and delyuerit the ſamin to his Maieſtie; be quhome, and be the Lordis of his Secreit Counſale and Seſſioun, and certane vtheris beſt acquentit with thair hand-writtis and ſubſcriptionis, the ſamin being ſene, conſidderit and tryit, and thaireftir compairit and conferrit with vtheris thair hand-writtis and ſubſcriptionis, THE KINGIS MAIESTIE and the ſaidis Lordis hes Recognosceit, and as thay weill and treulie vndirſtand, Recognoſceis the Subſcriptionis of the ſaidis Heidis and Articlis, quhairupoun the ſaid Band wes appointit to be maid as ſaid is, to be the verie ſubſcriptionis and hand-writtis of the perſonis particularlie aboue mentionat. And for the bettir reſolutioun and ſatisfactioun of his Maieſteis gude ſubiectis heiranent, Ordanis ane Act to be maid heirupoun, *ad futuram rei memoriam.*

(Sic ſubſcribitur) JAMES R. EX CERTA SCIENTIA.

J. T. CANCELLARIUS. MAR. ORKNAY. J. L. LINDSAY. ALEX. L. HWME. FLEMYNG. ALLANE LORD CATHCART. THO. M^c^ GLAMMIS. BLANTYRE. NEUBOTTLE. R. SECRETARIUS. LINCLOUDEN. ALEX. HWME. TRACQUAIR. CULLUTHY. (David Seton of) PARBROITH, comptrollair. S. JO. HWME (of Spott). P. YOUNG.

(*Eodem die.*)—JOHNNE ERLL OF MONTROIS and . . . . MAISTER OF MONTROIS find caution (Sir Johnne Murray of Tullibairdin) 'that thay ſall compeir perſonallie, befoir the Kingis Maieſtie and Lordis of Secreit Counſall, and anſuer and vnderly ſic ordour as ſalbe preſcryuit to thame, tuicheing the lait vnhappy accident quhilk fell oute betuix thame and thair freindis, on the ane parte, and THE LAIRD OF CALDER and SCHIR JAMES SANDIELANDIS of Slamannane Maiſter knicht, thair kin and freindis vpoun the vthir parte, vpoune the laſt day of Januar laſtbipaſt;' the Earl under the pain of £2000, the Maſter under the pain of 2000 merks.

(Feb. 12.)—ACT againſt JAMES DOUGLAS, ſometime of Spott, that 'not onlie deſeruis the ſaid James Douglas maiſt rigorous and extreame pvniſhment, for thir particulair, beſydis the formair crymes for quhilkis he wes foirfalt; bot the cenſuris of the Kirk aucht to proceid aganis him,' &c.

(Feb. 14.)—ANDRO MAKFARLANE of Arroquhair, Andro Dow M. and Malcolme Beg M. to be denounced rebels, for not appearing, to haue vndirlyne fic ordour as ſould haue bene preſcriuit to thame, tuicheing the obſeruatioun of his hienes peax, quietnes and gude reule in the cuntrey,' &c.

(Feb. 17.)—ACT 'anent the DUKE OFF LENNOX proceidingis in the North;' and 'exonering' him and his councillors, as having diſcharged their duty faithfully.

(*Eodem die.*)—ACT 'anent dimoleiſſing of the Place, houſſes and Fortalice of the CRAIG, pertening to Johnne Ogiluy.' Patrick Lord Gray and Patrick Maſter of Gray, got full Commiſſion, as Sherifs-principal of Forfarſhire, to take all neceſſary ſteps for that purpoſe.

(Feb. 28.)—Harie Steuart of Cragyhall becomes ſurety for the entry of JAMES SANDIELANDIS of Calder, &c. (See Feb. 11.)

(Mar. 5.)—JAMES MASTER OF OGILUY finds ſurety (David O. of Quhytefeild,) that he ſhall not ſupply, reſet nor intercommune with 'Johnne Ogiluy of Craig, nor na vtheris his Maieſteis declairit tratouris and rebellis,' &c., under the pain of 2000 merks. He is denounced rebel on Mar. 27.

(Mar. 15.)—ACT againſt his Majeſty's Traitors and rebels.

(*Eodem die.*)—PROCLAMATION againſt reſetting, ſupplying or intercommuning with declared Traitors, &c.

(Mar. 26. 1595.)—'PROCLAMATIOUN that nane tranſporte ERLLIS OF HUNTLIE and ERROLE within this Kingdome.'

(Mar. 28.)—DAME JEANE GORDOUN, COUNTESSE OF SUTHIRLAND, finds ſurety, under the pain of 2000 merks, that ſhe ſhall not reſet, ſupply nor intercommune with any of his Majeſty's declared Traitors, &c.

(Jun. 18.)—PROCLAMATION, '*that nane furneis* THE REBELLIS IN IRLAND.' 'Forſamekle as ANGUS MAKONEILL of Dunnyveg and Glennis, and DONALD GORME of Slaitt, accumpaneit with a nowmer of rebellious and diſſobedient ſubjectis, inhabitantis of the Ilis, ar myndit, as the Kingis Maieſtie is informit, to tranſporte thame ſelffis ouer to Irland and to joyne with the ERLL OF TYRREWNE, ODONEILL and vtheris of the rebellious people of that land, for troubling of the quyet eſtait thairof; as alſwa, ſindrie of his Maieſteis ſubiectis, inhabitantis within the ſchirefdomes of Lanerk, Renfrew, Dunbartane, Tarbett, Bute, Air, Wigtoun and baillereis of Kyle, Carrik and Cwninghame, daylie furniſſes the rebellis of Irland with victuallis, waponis, poulder, bullett and vthir mvnitioun of weir; be the quhilk doing, the peace and amitie ſtanding betuix his Maieſtie and his darreſt ſuſter and couſine the Quene of England, thair realmis, dominionis and ſubiectis may be gritelie endangerit:' Therefore Proclamation is ordered to be made, that the liegis ſhall in no wiſe 'affiſt, tak pairt, ryde, gang,

accumpany, nor yit furneis and fell ony kynd of victuall,' &c. under the pain of Treafon.

(Nov. 26.)—Proclamation '*anent the arryvaill of strangearis* of that maift cruell and vnmercifull natioun of Spayne and thair adherentis.' The Clergy are called upon to exhort the lieges 'to tak this mater in hairt, as that quhilk importis the prefent dangeir and hafard of thair religioun and confcience, &c.: 'And to the effect thay may the bettir convene, with ane vniforme mynd in this caus, to vrge all and findrie perfonis, amangis quhome deidlie feid and eleift[1] is prefentlie ftanding, to fubfcriue and giff affurranceis ilkane of thame to vthir; and quha refuiflis, to reporte the famin to his Maieftie; quhairthrow his hienes may tak ordour with thame as appertenis.'

(Nov. 27.)—Proclamation that the lieges 'prepair them felffis and be in full reddynes, weill bodin in feir of weir, to mak Wapponschowingis and gif Muftouris, vpoun the fecund day of Februair nixt, in prefens of the Schereffis, fteuartis, proueftis and baillies of burrowis; ilkane of thame within thair awin boundis.

(*Eodem die.*)—George Murray, fone to Johnne Murray of Spaingiedaill, *Robert Hoppringle*, fone to the Gudeman of Quhytebank, *Andro Douglas*, fone to George Douglas, feruand to the Laird of Ceffurde, *Raguel Bennett*, fone to vmq^le^ Mungo Bennett in Chafteris, ... *Adair*, fone to . . . . Adair of Kinhilt, ... *Kirktoun*, fone to . . . . Kirktoun of the Tour, and *Malcolme Cokburne*, fone to . . . . . , make fupplication to the King and Council, 'That quhair, it is nocht vnknawne, how that thay this langtyme bigane have bene detenit in warde within the tolbuith of Edinburgh, for the vnhappy accident[2] quhilk fell oute in the perfone of Williame Sinclair, fone to the Chancellair of Caithnes, be the flauchter of vmq^le^ Johnne M^c^Morane, burges of this burgh, quhairof thay and euery ane of thame ar innocent, and ar willing to abyde tryale thairupoun, befoir ane vnfufpect Juge: And becaus the Proueft and Baillies of this burgh, to quhome Commiffioun wes given, to juge vpoun the faidis complenaris, wer partiall, thay being in effect baith juge and pairty, it pleifit his Maieftie, vpoun thair Supplication gevin in heirupoun, to ordane Mr Mark Borthuik, Juftice Depute, to fitt with the faidis Proueft and Bailleis, vpoun Mononday the xxvij of October laft, and to putt thame to the knaulege of vnfufpect Affife, the maift halff of thair peiris, they being all for the maift parte the fonis of Baronis and gentilmen, and to proceid and minifter juftice vpone thame, conforme to the lawis and practique of this realme: At quhilk day, thay being enterit vpoun

[1] Rancorous grudge or offence; literally an eye-sore; what hurts or offends the eye. [2] See the spirited account given of this affair of the Insurrection of the Boys attending the High School of Edinburgh, (in consequence of the Magistrates denying them their usual 'privilege' of a day's play, &c.,) in the Extracts made from the Diary of Robert Birrell, which immediately follow these selections.

pannell, befoir the ſaidis Proueſt, bailleis and Juſtice depute, thair tryal wes continewit to the morne thairefter, the xxviij day of the ſaid moneth; at quhilk day, albeit they micht have juſtlie declynnit the ſaidis Proueſt and bailleis, and had mony gude argumentis of law and practique to have preſeruit thame fra the tryale of ane Aſſiſe, yit thay be thair freindis and prolocutouris, freelie offerrit thame ſelffis to tryale, prouyding that ane condigne and vnſuſpect Aſſiſe wer gevin to thame, viz. of Gentlemen outwith the toun of Edinburgh, according to his Maieſteis ordinance; quhilk being refuiſſit, thay wer compellit to vſe thair lauchfull defenſſis: Quhairupoun the ſaidis Juges, perceaving that thay could not gett thair intent aganis the ſaidis complenaris, and mynding na thing ellis bot to wearie and wrak thame with expenſſis, thay continewit thame to the fourte of Nouember: and vpoun that day, maid ane new continewatioun; quhairby it is euident, that thay intend to hald the ſaidis complenaris in continewall warde; and ather to compell thame to becwm in will for that cryme, quhairof they ar innocent, or then to ſubmitt thame ſelffis to ane Aſſiſe of the burgeſſis of this burgh, quha will not faill maiſt partiallie to proceid aganis them,' &c. Having heard parties, the King, 'with auiſe of the ſaidis Lordis, Ordanis the ſaidis perſewaris to be putt to the knaulege of ane Aſſiſe of thair peiris, of landit gentilmen duelland outwith the burgh of Edinburgh, for the crime foirſaid; within the tolbuith of Edinburgh, vpoun the firſt day of December nixtocum, in preſens of Mr Mark Borthuik, Juſtice depute, to quhome his Maieſtie adjoins Schir Robert Meluill of Murdocairnie, knt, theſaurair depute, Mr Johnne Skene, clark of Regiſter, and Schir Johnne Carmichael of that Ilk, knt. to be Aſſeſſouris; ſecluding all vtheris aſſeſſouris,' &c. With certification, that if appearance is not made againſt them, they ſhould be put to liberty, on finding caution, &c.

Discharge *of a* Letter *granted to the* Countess of Bothwell.

(Nov. 29.)—Forsamekill as the Kingis Maieſtie laitlie ſubſcriuit and paſt ane Letter to Dame Margaret Douglas, ſumtyme Countesse of Bothuill, movit thairunto vpoun hir humble ſute, and proſtrating of hir ſelff in his hienes way and preſens; quhilk Letter, as his Maieſtie is informed, ſcho immediatlie thairefter, not onlie cauſit proclame in ſindrie pairtis of this cuntrey, and thairby tuke occaſioun to reſorte publictlie quhair ſcho pleiſit; lyke as, a grite nowmer of perſones hes reſortit and intercommonit with hir ſenſyne: Bot als, ſcho hes directit and had intelligence of lait with Frances ſumtyme Erll Bothuill, hir ſpous, in the realme of France, vanelie vanting of hir credite at his Maieſteis handis, and perſwading him of that fauour; quhilk, in reſpect of his monſtrous factis, is not to be luiked for; nather is it nor wes it his hienes meaning, that the ſaid Letter ſould haue bene proclameit, nor ſho tane ſic libertie thairby, as ſho

hes done; bot onlie, ſould haue ſeruit for remaning of hir ſelff and hir bairnis within the place of Moſtour, that hir freindis micht ſuntyme haue reſortit to hir, without dangeir of his hienes lawis: And thairfoir, ſeing ſho hes ſafar abuſit his Maieſteis fauour, grantit to hir be the ſaid Letter; his hienes, with aduiſe of the Lordis of his Secreit Counſale, hes annullit and diſchargeit and be thir preſentis annullis and diſchargeis the ſame Letter and conſentis thairof, *simpliciter*, in tyme cwming; ordaning the ſame to ceis and to haue na forder force nor effect at ony tyme heireftir. And that Letteris be direct to mak publicatioun heirof, be oppin proclamatioun at the mercat croceis of Jedburgh, Kelſo, Hawik and all vtheris placeis neidfull; quhairthrow nane pretend ignorans of the ſame.

(Apr. 1.)—Proclamation '*aganis trafficquing with* Strangearis,' 'except it be betuix marcheant and marcheantis, in materis concerning marchandice allanerlie, without the ſpeciall aduiſe, licence and conſent of his Maieſtie had and obtenit thairto, vndir the pane of deid.'

(Dec. 2.)—Proclamation for aſſembling of the lieges at the Towns of Leith, Inverkeithing and Bruntiſland, St Andrews, Dundee, Montroſe, Inverneſs, Cromarty, Kirkcudbright, and Air, 'weill bodin in feir of weir, to repair vpoun the firſt aduertiſment, vndir the command of the ſchirreff of ilk ſhyre, and ſic vthiris as the ſame ſchereff, with aduiſe of the Baronis within the boundis particularlie aboue mentionat, ſall cheis to that effect, to the ſaid townis, to joyne with and ſupplee the fute-forceis, in reſiſting to the landing of the Ennemy, in thay pairtis; vndir the pane of tinſale of lyffe, landis and guidis.'

(Dec 3.)—Proclamation 'that nane accumpany The Erll of Mar and Lord Levingstoun to thair day of law.' It is ſtated that 'as it is vndirſtand to the Kingis Maieſtie and Lordis of his Secreit Counſall, that thair is a grite nowmer of his hienes liegis, of all eſteatis of perſonis, quhilkis ar warnit and requirit be Johnne Erll of Mar Lord Erſkin, Alexander Forreſtair of Garden, and vtheris the kin and freindis of vmq^le^ Dauid Forreſtair, burges of Striuiling, on the ane parte; and Johnne Levingſtoun youngair of Dunnypace, . . . Bruce youngair of Airth, and certane vtheris thair colligis, on the vther parte; to be preſent at ane dyet appointit to be haldin within the tolbuith of Ed^r^, vpoun the xx day of December inſtant, for thair vnderlying of his hienes lawis, for the Slauchter of the ſaid vmq^le^ Dauid: Amangis quhilkis perſonis, thair being deidlie feid and contrauerſie preſentlie ſtanding, at the leiſt amangis a grite nowmer of thame, it is to be feirit, that vpoun the firſt occaſioun of thair meiting, ſum grite inconuenient ſall fall oute, to the brek of his hienes peax,' &c.

(Dec. 10.)—Act 'anent the derthe.' The King and Council 'being wounderfullie movit at the preſent derth of all ſortis of victuaill, this ſeaſoun of the yeir, vniuerſallie throu all pairtis of this realme, and the grite penuritie and in-

digence quhairunto the puir handy-labouraris, and vtheris his hienes ſubiectis of all eſteatis ar redactit be that occaſioun, the ſame derth ſtill daylie increſſing, and foſterit, pairtlie be the auaritious gredynes of a grite nowmer of perſonis that hes bocht and byis victuaill afoir it cum of the ground, and that foirſtallis and keipis the ſame to a derth, and pairtlie, by the ſhameles and indiſcreit behaviour of the ownaris of the ſame victuaill, quha refuiſſis to threſhe oute and bring the ſame to oppin mercattis,' &c. It is therefore declared, that after Proclamation made, all foreſtallers, &c. ſhall be ſtrictly puniſhed, in terms of the ſtatutes, and their victual 'eſcheated' to his Majeſty's uſe. All coſtly apparel, banquetings, &c. are deprecated; and it is declared that the former Acts relative thereto ſhall be ſtrictly enforced.

(Dec. 11.)—THE King and Council, 'with the ſpeciall auiſe and conſent of SCHIR JAMES JOHNNESTOUN of Dunſkellie kn^t, being perſonallie preſent, ffrethis and releuis *all* PRISONARIS *takin be him*, his freindis, aſſiſtaris and pairt-takaris, *at ony of the lait Conflictis* quhilkis happynnit to fall oute betuix thame and *the surename of* MAXWELL, thair freindis, &c.: As alſua, Diſchargeis all Bandis, Obligationis, or vthiris ſecuriteis quhatſumeuir made be thame or ony of thame, to the ſaid Schir James Johnneſtoun, his freindis, &c. ather for thair entree agane, vpoun certane dayis wairning, payment of ſoumes of mony in name of Ranſoim: Decerning the ſame Bandis to be null,' &c.

(Dec. 23.)—'CHARGE AGANIS PERSONIS VNDIR DEIDLIE FEID,' to appear before the King and Council 'at Haliruidhous;' and 'that they keip thair ludgeingis eftir thair cuming, quhill thay be ſpeciallie ſend for,' &c. 'Thay ar to ſay, ROBERT MAISTER OF EGLINTOUN and PATRIK HOUSTON of that Ilk, to compeir perſonalie; the ſaid Maiſter accumpanyed with his freindis, not exceiding the noumer of threeſcoir perſonis, and the ſaid Patrik not exceiding the noumer of xxiiij perſonis,[1] vpoun Jan. xv nixttocum: JAMES ERLL OF GLENCAIRNE and . . CUNYNGHAME of Glengarnok, vpoun Jan. xvj: JOHNNE ERLL OF MONTROIS and FRANSHE of Thoirnidykis, on Jan. xxvij: HEW CAMPBELL of Lowdoun, ſchereff of Air, ... SANDIELANDIS of Calder, and SCHIR JAMES SANDIELANDIS of Slammannan, Mr . . . CRAUFURDE of Kerſe,[2] and . . . . SPOTTISWODE of that Ilk, vpoun Jan. xxvj: DAUID ERLL OF CRAUFURDE, and . . . GUTHRIE of that Ilk, vpoun Feb. viij: SCHIR THOMAS LYOUN of Auldbar kn^t, and . . GAIRDIN of that Ilk, vpoun Feb. x: ALEXANDER LORD LEVINGSTOUN, SCHIR ALEXANDER BRUCE eldair of Airth, and ALEXANDER COLQUHOUN of Luſs, vpoun Feb. xviij: JOHNNE ERLL OF MAR, ALEXANDER FORRESTAIR of Garden,

[1] The number of followers allowed in the other instances are in the same proportions, according to the rank of the respective parties. [2] Altogether not exceeding the number of sixty persons.

and Andro Makfarlane of Arroquhair, vpoun Feb. xx: James Lord Borthuik, . . . Prestoun of Craigmillar, Mr George Lawder of Bafs, and Charlis Lauder fone and air of vmq^le Andro Lauder in Wyndpark, vpoun Jan. v: Schir Johnne Edmestoun of that Ilk, and Mr Williame Cranstoun appeirand of that Ilk, vpoun Jan. vij: George Erll Marishael, and . . . Seytoun of Meldrum, vpoun Mar. i: James Cheyne of Straloch, and Williame King of Barrauch, vpoun Mar. iij: James Tuedy of Drummelzeair, vpoun Mar. x: Charlis Geddes of Rauchane, vpoun Mar. xij: —To vnderly fic ordour as falbe prefcriuit, tuicheing the removing of the faidis ffeidis,' &c. With certification, that if they fail, 'thay falbe repute, haldin and perfewit with fyre and fwerd, as inemeis to God, his Maieftie, and to the commoun wele and quietnes of this thair natiue cuntrey, with all rigour and extremitie.'

(Dec. 25.)—Mr Johnne Mackanzie, Minifter at Vrra, ordained to be denounced rebel, for not appearing, to anfwer a charge at the inftance of *Alexander Bane of Tulloch*, and *Alexander Bane*, (younger) 'fear' of Logy, 'for his infolenceis, oppin and manifeft oppreffionis committit vpoun thame; as namlie, be reffett and huirding within his houfe, of *Johnne McGillichallum Rasa*, ane commoun and notorious theiff and lymmair and denunceit rebell, be oppin and avowit thift, in the moneth of May laft; quha come to the faid Mr Johnis houfe, vpoun fett purpois and prouifioun to ly derne (*hid*) and quiet thair, quhill he micht find the commoditie to murdreis Hucheon Makconeill Bane and Duncane Bane, fone to the faid Alexander Bane youngair: Lyke as, eftir he had remanit with the faid Mr Johnne the fpace of xlviij houris, vpoun fuir knaulege had be the faid Maifter Johnne of his barbarous and wicked intentioun, he come furth of the faid houfe, vndir filence of nicht, be the faid Mr Johnis preuitie and foirknaulege, to the duelling place of the faid Hucheoun Makconeill Bane, of fett purpois and prouifioun to haue execute his barbarous and wicked intentioun; quhilk he had not faillit to haue done, wer nocht the faid Hucheoun, getting fum informatioun of his intentioun, convoyed him felff with the faid barne away: And fenfyne, the faid Mr Johnne come to the faid complenaris landis of Vrra, and cuttit his plewis and rigwiddeis; and thairby, and be vtheris the lyke oppin and manifeft oppreffioun, hes layd and haldis the faidis landis waift,' &c.

(Jan. 12, 1595-6.)—Mr Williame Cranstoun appeirand of that Ilk, ordained to be denounced rebel, for not entering 'his perfone in warde, within the Caftell of Thomptalloun,' in terms of the command iffued by the King and Council, on Jan. 9.

(Jan. 15.)—Johnne Halden, dagmaker and others, to be denounced rebels, for not anfwering 'tuicheing the Riot committit be thame laitlie, vpoun the . .

day of Januair inftant, aganis the Proueft and Bailleis of the Burgh of Edinburgh, in thair convoy and taking to warde of *James Lord Borthuik.*'

(Jan. 17.)—JAMES ERLL OF GLENCAIRNE ordained to be denounced rebel, for not appearing before the King and Council, ' tuicheing the removing of the ffeid and contrauerfie ftanding betuix him and *Robert Maifter of Eglintoun* and his freindis.'

(Jan. 28.)—JOHN and ALEXANDER FOSTER (FORRESTAIR) ' fones to the Laird of Garden, Alexander Forreftair of Myethill and Walter F. fone and appeirand air to Duncane F. of Puldoir,' to be denounced rebels, for not appearing before the King and Council, for coming with their accomplices, on Dec. 30, ' bodin in feir of weir, with daggis, piftollettis, &c. to Johnne Roifhill officiair of armes, being executing Letteris of Hoirning aganis Alexander Forreftair of Garden, and certane vtheris parrochionaris of the Ruid-Kirk of Striuiling, the faid officiair being in the very meantyme, of the reiding the fame Letteris, publictlie, at the mercat-croce of the burgh of Striuiling; pullit him doun af the fame croce, dang him with piftollettis on the heid, and with the gairdis of thair fwerdis, and cruellie hurte and woundit him in diueris pairtis of the body, to the effufioun of his blude in grite quantitie; and thaireftir, violentlie and perforce reft the fame Letteris, and thair raif thame all in peceis; in hie and pronde contemptioune of his Maiefteis auctoritie and lawis.'

(*Eodem die.*)—PROCLAMATION, that none of the liegis ' reffett, fupplee, fhaw fauor nor intercommune' with ' THE FORRESTAIRIS;' under certification, that they ' falbe apprehendit, perfewit and pvneift, with na les rigour and extremitie to the deid, nor (*than*) gif thay had reffett Frances fumtyme Bothuill,' &c.

(Jan. 29.)—JAMES CUNYNGHAME appeirand of Glengarnok, ordained to be denounced, for not ' compeiring perfonalie' before the King and Council, ' tuicheing the removing of the ffeid ftanding betuix him and *Schir Patrik Houftoun* of that Ilk kn^t^ and his freindis,' &c.

(Feb. 5.)—PROCLAMATION for a general Wapponfhawing, on May 5. ' Marcheantis-trafficquaris in vtheris cuntreyis,' are commanded ' to by, prepair and bring hame corflettis, pickis, murronis and all vthir kynd of armour; fell and mak penny thairof to all his hienes fubiectis, vpoun reffounable pryceis.' It proceeds on the narrative ' of the preparatioun and intentioun of mercyles ftrangearis, to arryve in this Iland this nixt fpring, for moving of a publict wear aganis God, his trew Religioun,' &c.

(Feb. 12.)—On the complaint of THE COUNTESS OF EGLINTOUN (Dame Helen Kennedy,) Hugh Earl of Eglintoun, only lawful fon of the deceafed Hugh Earl of E , Robert Mafter of Eglintoun his Tutor, and the kin and friends of

the late Earl, 'That quhair, the ſaid vmq^le Erll, being maiſt ſhamefullie and cruellie ſlane be Johnne Cunynghame of Roſs, bruthir to James Erll of Glencairne, Alexander C. callit of Poquhene his ſeruand, Alexander C. of Aikatt, Williame C. his bruthir, Patrik C. in Bordland, Johnne and Dauid Maxuellis, brethir to Patrik M. of Newark, and Johnne Ryburne, vpoun ſett purpois, prouiſioun and foirthocht fellony, the ſaidis complenaris perſewit thame for the ſame ſlauchter, criminallie, befoir the Juſtice and his deputis; and thay, takand the cryme vpone thame, abſentit thame ſelffis frome tryale, and wer thairfoir denunceit and regiſtrat at the horne; quhairat maiſt contempnandlie thay remanit diuers yeiris thaireftir, quhill now of lait, as the ſaidis complenaris ar informed, that the ſaidis perſonis hes purcheſt ane Remiſſioun or Reſpett for the ſaid ſlauchter, quhairby thay intend to tak away the ſaidis complenaris lauchfull perſute; ſua that in ſteid of juſtice, quhilk thay euir luiked for, conforme to his Maieſteis ſolempne vow and promeis maid to that effect, thay ar now movit to lament to his hienes the want of juſtice, throu the ſaid Reſpett or Remiſſioun,' &c. They farther ſtate, that there has been 'na aſſyithment nor ſatiſfactioun maid to the ſaidis complenaris for the ſaid ſlauchter, nor Letter of Slanis grantit thairupoun;' and that therefore, in terms of the Acts of Parliament and Secret Council, and 'ane louable practique paſt in the lyke caiſe, at the inſtance of the relict and ten faderles bairnis of vmq^le Luk Striuiling of Baldorane, aganis Thomas Kincaid and Johnne Jak his ſeruand,' the Reſpite or Remiſſion was *ipso facto* null.—Robert Maſter of Eglinton having appeared for the complainers, and James Earl of Glencairn and William Cunningham of Caprington for the defenders, the King and Council remitted 'this mater, to be decydit befoir the Juſtice or his deputis, as accordis of the law.'

(Feb. 21.)—Proclamation regarding 'the Spanishe Preparatioun to arryve in this Iland, for moving of a publict wear,' &c.; charging all the lieges within the ages of 60 and 16 'to be in full reddynes,' within 24 hours, 'to convene and repair to ſic pairtis and placeis as thay ſalbe aduirteiſt,' &c.

(May 21, 1596.)—Sir James Johnnestoun of Dunſkellie kn^t. 'as maiſter, landiſlord or cheiff to Johnne, James and Williame Johnneſtonis, brethir, in Haiſliebray, Niniane J. in Rowantrie-know, and Williame J. ſone to James J. of Heſliebray, for quhome he is obleiſt to anſuer be the General Band,' &c. is ordained to be denounced rebel, for not appearing and preſenting theſe perſons to have anſwered, 'tuicheing the ſhamefull, cruell and vnmercifull ſlauchter of vmq^le Mr Williame Johnneſtoune, Perſone and Miniſter at Lochmaben; committit be thame laitlie, vpoun the fourte day of Marche laſt.'

(May 22.)—*Proclamation for the Ilis.*—The Kingis Majestie, his Nobilitie, Counſaill and Eſteatis preſentlie conuenit, Considdering the proude

Rebellioun, defectioun and disobedience of the Inhabitantis of THE ILIS and HIELANDIS of this realme, subiect for the maist parte, thir mony yeiris bygane, to all kynd of insolence, barbaritie and crueltie, not onlie in committing of vyle and beistlie Murthouris, Slauchteris, reif, thift, oppin heirschippis, oppressionis and depredationis vpoun his Maiesteis peceable and gude subiectis, inhabitantis of the cuntreyis nixt adiacent; bot euery ane of thame maist vnnaturallie puttand violent handis in vther, besydis innumerable vtheris tressounable, monstrous and odious crymes, committit be sum of the cheiff personis, inhabitantis of the saidis Ilis; ffor the quhilk, the sentence of Foirfaltour is led aganis thame; quha nochtwithstanding remanis peceable in the cuntrey, without feir of God or of his Maiestie, nawayes acknaulegeing thair offens, nor yit his hienes as thair souerane lord and King; nather payand thair mailles and dewities, exactiones and custumes to his Maiestie, his Comptrollair and ordinair officiairis; the same mailles and dewiteis and custumes being a grite part of his hienes propirtie, rent and patrimonie of his crowne, quhairupoun his princelie porte and estate suld be sustenit: AND thairfoir, his Maiestie is resoluit to repair, in propir persone, to the saidis Ilis and Hielandis, with all conuenient expeditioun, for abandouning and reduceing of the saidis rebellious, vnnaturall and disobedient personis, to the acknaulegeing of his hienes and his lawis; and compelling of thame to mak payment of his Maiesteis propir rentis and dewiteis, in tyme cuming: For quhilk purpois, necessar it is that his hienes be weill and substantiouslie accumpanyed, with a force of his faithfull, loving and gude subiectis; and thairfoir, his Maiestie, with aduise of his Nobilitie, Counsall and Esteatis foirsaidis, Ordanis Letteris to be direct, chargeing all and sindrie Erllis, Lordis, Baronis, fewaris and freehaldaris, betuix saxtie and saxtene yeiris, vaiłȝeant (*worth*) in yeirlie rent the sowme of three hundreth merkis, ather in heritage or annualrent, within the boundis of the haill sherefdomis, steuartreis and baillie-reis within the realme, togidder with the inhabitantis of burrowis within the saidis boundis, alsweill regalitie as ryaltie, be oppin Proclamatioun, at the mercat-croces of the same burrowis; that thay and ilkane of thame, weill bodin in feir of weir, with schippis, crearis, boitis and all vtheris veschellis, and prouisioun, requisite and necessair for transporting of thame to the saidis Ilis, and fra Ile to Ile, within all the boundis of the same Ilis and Hieland pairtis, during all the tyme that thay salbe occupiit in that seruice; addres thame selffis to meit his Maiestie, at the burgh of Dunbartane, vpoun the first day of August nixtocum, prouidit to imbark and pas fordwart thairfra to the saidis Ilis and Hielandis; and to attend and accumpany his hienes, for the space of fourtie dayis eftir thair cuming, to the effect foirsaid; vndir the pane of tinsall of lyff, landis and guidis.

[The Editor has thus endeavoured to supply, from the most authentic source, a pretty copious Selection of the leading Cases which occurred before the Privy Council of Scotland, during the interval unfortunately vacant in the Records of the Court of Justiciary, through the loss of the Volumes from 1591 to 1596; which period, doubtlessly, occupies an interesting portion of the History of this country. To some of his readers, perhaps, an apology is due, for the insertion of so many State Papers, and of notices of matters, not *strictly* embracing the immediate objects of this Compilation; but, in extenuation of this trespass, it may be remarked, that the leading features of these times were so peculiarly distinguished by open defiance of the King and Parliament, and by the frequent and daring Conspiracies enterprised against the Royal person, as well as by Bothwell's Treasons, and the Popish and Spanish Plots, for the overthrow of the Government and of the Religion of the Country, that such Illustrations as those he has ventured to select, may, by many others, be considered as necessary Historical elucidations, at least as convenient appendages to such a Collection as the present.

Before closing his Extracts, which are intended in some measure to supply this *hiatus valde deflendus*, the Editor must farther draw upon the valuable stores contained in 'The Diarey of Robert Birrel, burges of Edinburghe,' which was, for the first time, given to the public by John Grahame Dalyell, Esquire, in his 'Fragments of Scotish History,' Edin. 1798. The reading has been taken from the original MS. in the Advocates' Library, W. 5, 10. There is also in the same Library, among Wodrow's MSS., (W. 7, 26,) another copy, which is, apparently, a Transcript of the former.]

NOTICES extracted from 'BIRRELL'S DIARY.'

(Sep. 6. 1591.)—The Earll of Bothuell made a stoure in the Abay of Holyroudhousse, quho came in over the hous in the South syde of the Palace; and the said Earll, taking too grate presumptione, he, with his complisefs, strake vith ane hammer at his Maiesties chalmber dore: And, in the meane tyme, the haill noblemen and gentlemen of his Maiesties houssé raisé, quho thought to haue taken the said Earll Bothuell and his complices. The said Earle fled; yet he returned at the South syde of the Abay, quher the said Earll and his complisefs slew his Maiesties Maister Stabler, named Villiam Shaw, and one vith him, named Mr Peeiter Shaw. Bot the King's folks took 8 men of Bothuill's factione; and one the morrow, hangit tham all, vith out ane Assyssé, betuix the Girth crossé and the Abay gaite.[1] [1591, Sep. 6.]

(Dec. 28.)—The King's Maiestie came to St Geill's Kirk, and ther made ane Oratione, anent the fray made by Bothuell, and William Shaw's slaughter, hes Maister Stabler.

(Feb. 7, 1591-2.)—The Earll of Huntly came to *the houss of Dunibrisstole in Fyffe*, quher the Earll of Murray, vith a few noumber, wes for the tyme, being his auen houssé. The chiesse

[1] 'This tumult was called the first Road of the Abbey.'—*Sir James Balfour's Annals*, I. 390.

[1591-2, Feb. 7.] mane that ves with him ves Dumbar ſhriffe of Murray. The Earll of Huntley[1] ſett the ſaid houſs in fyre: The Earll of Murray being vithin, viſt not quhither to come out and be ſlaine, or be burned quicke; yet, after advyſment, this Dumbar ſays to my Lord of Murray, 'I vill goe out at the gaitt befor your lordſhipe, and I am four the peopell will chairge one me, thinkeing me to be your lordſchip; ſua, it being mirke vnder night, ye ſall come out after me, and looke if that ye cane fend for your ſelue.' In the meine tyme, this Dumbar, Tutor to the ſhriffe of Murray, came furth, and rane diſperatly amonge the Earle of Huntlies folks, and thay all rane vpone him and preſently ſlew him. During this broylle vith Dumbar, the Earll of Murray cam running out at the gaitt of Dunebriſſell, quhilk ſtands beſyde the ſea, and ther ſate him doune amonge the rocks, thinking to have beine ſaue; bot unfortunatly the ſaid Lord's cnapeſcull-tippett, quherone ves a ſilk ſtringe, had taken fyre, vich bewrayed him to hes enimies in the darknes of the night, himſelue not knowing the ſame; they came doune one him on a ſuddaine, and ther moſt creuelly, without mercey, murthered him.[2]

Feb. (12?)—At quhilk tyme, one Capitane Johne Gordoune, takin upon the 12 of Februarij: Himſelue wes headitt, and hes man was hangitt.

(Feb. 28.)—Richard Grahame wes brunt at the Croſſe of Edinburghe, for Vitchcrafte and Sorcerey.

(Mar. 18.)—Ane Proclamatione, that the young Earll of Murray ſhould not perſew the Earll of Huntly, in reſpect he, being vardit in the Blacknes for the ſame Murder, wes villing to abyde ane trayell, ſaying, that 'he did nothing bot by hes Maieſties Commiſſione, and ſua ves nather airt nor pairt of the Murther.'

(May 12, 1592.)—The Earll of Bothuell and hes complices ver denuncit rebells and ſummond to the Parliament quhilk ves to be haldin at Edinburghe, the 12 day of Julay; quherin the ſaid Earle, with all his quhole complices, wer all of them forfaulted.

(Jul. 17.)—The Earll of Bothuell, with his complices, made a fray at Falkland, hes Maieſtie being ther: And therafter, hes Maieſtie cum over the vatter. And vpone the 26 day of this ſame mounthe, hes Maieſtie made ane Oratione concerning the ſame, in the grate Kirke of Edinburghe. Imediatlie after the ffray, Bothuell and hes men came ouer the vater; and ther ver 18 of them taken in Cader-mure, and in vther pairts neir Cader-mure, laying ſleiping, for vant of reſt and interteiniment; and immediatly after ther taking, they were all brought to Edinburghe and hangitt.

(Jul. . . .)—At the ſame tyme the Lairds of Nidrie and Samuelstone, ver takin by Johne Lord Hamiltone, and vardit in the Caſtell of Draffin, and came to Edinburghe, thinking to haue gottin grace to them from his Maieſtie. He came doune to hes Maieſtie's ludging at the Nether-bow, and going in to Mr Johne Laings hous, quher hes Maieſtie lodgett, the gaurd ſtandeing aboue the port vith ther hagbutts, guns and uther veapons; the forſaid gaurd, ſeing my Lord Hamiltone, for honor of his Lordſchipe, ſhott ane volley at my lord: Ther wes ane man, ſpeiking to hes lordſchipe, ſhott through the head; ane vther, by him, ſhott through the legge; and ane bullet ſtrooke the lintell of the gaitt, iuſt aboue my lord's head quher he ſtoode; yet no more harme doune: So that, by meir accident, the ſaid Lord Hamiltone had moſt haue beine ſlaine, and not through aney eiuill vill. The Lord Hamiltone, ſeeing that he could gett no grace to the ſaid tuo gentlemen, he ſent vord to hes baſtard ſone Schir Johne, quho convoyed the ſaid tuo gentlemen away, and vent vithe them him ſelue, for their more ſaftey.

(Jul. 31.)—Francis Hay Earll of Errole ves put in vard in the Caſtell of Edinburgh, for Papiſtry

(Oct. 18.)—The Earll of Angus vardit for Papiſtry.

(Nov. 7.)—Hes Maieſtie did receaue againe the Laird of Nidrie in his fauor, and reſtorit him to his former dignity and eſtait.

[1] 'It (was) giuen out and publickly talked, that the Earle of Huntley was the only instrument of perpetratting this facte, to satisfie the Kingis jelosie of Murray; quhom the Queine, more rashlie then wyslie, some few dayes before, had commendit in the King's heiringe, with too maney epithetts, of a proper and gallant man.'—*Balf. Annals*, I. 390.

[2] 'Vpone the 7 day of Februarii 1592, the Earle of Murray was slaine by the Earle of Huntly, maist creuelly, at Dunnybristle; and with him the Sheriffe of Murray.'—*Marj. Annals*, p. 56.

(Nov. 17.)—The Ladey of Bothuell ves received into his Maiefties fauor. [1592, Nov. 17.]

(Nov. 18.)—Ane Proclamatione, that no man receaeuid the Earle of Bothuell; and ficlyke, that all thoffe that had receaued hes Maiefties fauor, quho had bene vith the Earll of Bothuell, fhould not come neir his Maieftie vithin 20 milles, vnder the paine of death.

(Nov. 23.)—Ane Proclamatione, that no man fhould receatt the Countesse of Bothuell, giue her interteiniment, or to haue aney commerce or fociety vith her, in aney cais; quha had beine bot fo laitly receaued in his Maiefties fauor befor, viz. one the 17 day of the fame mounthe. Behold the changes of Courte!

(Nov. 30.)—Johne Cachoune ves beheidit at the Croffe of Edinburghe, for Murthering of his auen brother the Laird of Lusse.

(Dec. 2.)—Capitane James Steuarte[1] came to the King, quho had beine banifhed fince the Read (*Raid*) at Streiueling befor, wich wes aboute the 1 day of Nouember 1585.

(Dec. 17.)—The Ministers ver accufit by the King for opin Treaffone, in fpeiking aganis hes Maieftie; yet hes goodnefs paft it ouer at that tyme.

(Dec. 31.)—Mr George Ker ves broght to Edinburghe out of Calder, and putt in vard, for carriing of Letters out of the countrey frome the Papifts to the King of Spaine.

(Jan. 1. 1592-3.)—The Earll of Angus ves commandit to vard in hes auen ludging, and ftraitly keipit till the morrou, and then ves convoyet to the Caftell of Edinburgh, for fending Letters to Spaine to the Spanifch King, vith Mr George Ker.

(Jan. 3.)—Ane Proclamatione to refift the Papists; and all men to ftand to the Religione prefently profeffed vithin this realme; in vich his Maieftie hes beine brought vp into frome his youth: And fieklyke, charging all fufpected Papifts to come and fubferyue ane Band, that they fall not liue as Papifts, bot in Religione conforme to that prefently profeffed.

(Feb. 8.)—The Earlls of Huntley and Errole ver denuncit rebells and putt to the horne, for not compeiring to fubferyue the Band concerning Religione.

(Feb. 14.)—Schir Alexander Stewart and Mr Johne Grahame flen be Schir James Sandilandis at the fitt of Leithe wynd.

(Feb. 15.)—The Earle of Angus brake ward out of the Caftell of Edinburghe; quha hade beine in, fen the firft of Januar befoir, for fending Letteres to Spaine.

(Feb. 17.)—Dauid Grahame beheidit at the Croce, for opin Treafone, callit Lord of Fentres.

(Mar. 15.)—The King's Maiestie came hame fra the Northe, quhair he haid beine fex veikis befoir, and haid caufit caft doune the palace of Strabogie, and ane place callit the Slanis, ane place callit the Newtoune, and ane place for the tyme quhilk belongit to Mr Walter Lyndefay, callit the Brumhous, vith ane hous of Sir Johne Ogilveis callit the Craige. His Maieftie had with him 5 bandis of men of weir out of Edinburghe, Capitanes George Todridge, James Inglis, James Williamfone, and C. Dauidfon and Geddes.

(Mar. 20.)—Ane Proclamatioune at the Croce, chairging the Earlis of Huntlie, Angus, Errole, with diverfe Gentlemen and Irismen of the Illis, to compeir to the Parliament for diverfe poyntis of Treafoun.

(May 19. 1593.)—Katherine Muirheid brunt for Vitchcraft; and quha confeft fundrie poyntis thairof.

(Jun. 4.)—The Laird of Jonestoune brak ward out of the Caftell of Edinburghe.

(Jun. 20.)—Mr George Ker brake waird out of the Caftell.

(Jul. 21.)—The Parliament haldin; the Earle of Bothuell forfaultit, and his armes rewine[2] at Croce of Edinburghe be the Heraldis.

[1] 'Quho called himselue Earle of Arran.'—*Balf. Ann.* I. 392. [2] Torn and defaced.

[1593, Jul. 24.] (Jul. 24.)—At 8 houris in the morneing, the EARLE OF BODWELL, the LAIRD OF SPOTT, MR WILLIAME LESLIE and MR JOHNE COLVILL, came in to the King's chalmer, weill provydit with piſtoll. This Earle with his complices come not this way, provydit with piſtollis and drawin ſwordis, to harme the Kingis Majeſtie any wayis; bot becaus he could not get preſence of his Maieſtie, nor ſpeiche of him, for the Homes, quho wer courteouris with the King, and enimeis to the ſaid Earle Bodwell; ſua thai cam in into hes Maieſteies chalmer, reſolweing thame ſelff not to be haldin bak till thai fould have ſpokin with him: And ſua, after thai come in, his Maieſtie wes comming fra the bak ſtair and his breikis in his hand, in ane feir; howbeit he neidit not. The foirſaid Earle Bodwell and his compleſſis fell vpone thair knies, and beggit mercie at hes Maieſtie; and his Maieſtie, being wyſe, merciful, a noble Prince of grate pitie, not deſyrous of bluid, grantit thame mercie, and reſauit thame in his favour: And at 4 houris efter none, cauſit proclame thame his frie ledgis. And vpone the 27 day, the ſame Proclamatioune of the Earle of Bodwellis peace wes renewit at the Croce, with Heraldis and ſex trumpettis founding for joy.

(Aug. 10.)—ANE new alteratioun oferid againe.

(Sep. 20.)—THE ſaid EARLE BODWELL chairgit be ane Proclamatioune at the croce, that he fould not come vithin 10 myllis to the Kingis Maieſtie, wnder the pane of deathe.

(Oct. 11.)—THE Kings Maieſtie ryding to ane day of Law, the excommunit Lordis mett him; quhom he reſauit in his favoris, viz. HUNTLIE, EROLE, ANGUS, Schir JAMES CHISSIM, with ſundrie wtheris.

(Oct. 31.)—ANE CONVENTIOUNE haldin at Leithe, for the ſame purpos, concerning Angus, Huntlie and Errole and thair compleſſis.

(Nov. 2.)—ANE Proclamation, that na man truble the ſaid PAPISTIS LORDIS, bot to reſaue thame and interteine thame as his faithfull and trew ſubiectis, as thai will be anſuerabill to him.

(Nov. 7.)—SMETOUNE hangit, for braking of ward, with Mr George Ker, out of the Caſtell of Edinburgh.

(*Eodem die.*)—ANE Proclamatione that na man fould repair to the toune of Edinburgh, without leine grantit be his Maieſtie; quhilk Proclamatioune greiuit the toune, and ſpeciallie the Miniſteris.

(Nov. 27.)—ANE Proclamatione of the Act of Abolitioune in fauoris of the PAPIST LORDIS.

(Dec. 7.)—THE LORD MAXWELL ſlaine be the Laird of Johneſtoun.[1]

(Dec. 11.)—THE EARLE BODWELL put to the horne; quhilk day the ſaid Earle Bothwell and KER OF SESFUIRD met and faucht twa for twa.

(Dec. 27.)—THE EARLE of BODWELL, nor the LAIRD OF JONESTOUNE, na man fould reſait thame, nor give them interteinment.

(Jan. 22, 1593-4.)—THE Act of Abolatione quhilk wes maid, null and to na effect.

(Feb. 19.)—PRYNCE HENRIE wes borne, at the pleaſour of Almightie God, quhilk day befell on Tuyſday.[2]

(Mar. 13.)—HIS MAIESTIE come to Mr Robert Briuſſe preiching, being Sonday; quhair Mr Robert Bruice ſaid to hes Maieſtie, that 'God wald ſteir up ma (*more*) Bodwellis nor (*than*) ane, that wes enimies to him nor (*than*) Bodwell; if he reuengit not and faught not Godis quarrell and battelis on the Papiſtis, before he faucht or reueng his awine particular.'

[1] 'In the mounth of December 1593, Sir Johne Houstone (mistake for Jhonstone) of that ilk slew Johne Lord Maxswell, quha had betrayed the Laird of Houstone (Jhonstone) under frendshipe and alliance; and it was rumored, that he had purchesed ane Commissione of the King to pas vpone the Laird of Houstone (Johnstone) with fyre and suord, albeit that they war suorne frinds and bound vpe in alliance and of bloode; and in ane verey grate persuit, the Laird of Houstone (Johnstone) slew him in his auen just defence.' *Marj. Annals*, p. 57.—'This yeir endit with the Lord Maxswells slaughter by the Laird of Jhonston, the 6 of this mounth of December.' *Balf. Ann.* I. 394.

[2] 'Vpone Tuesday at 5 houres in the morning, the 9 day of Februarij 1593, Anna, daughter to the King of Denmarke, and Queeine of Scotland, wes deliuered of ane sone to King James the Sext, in Streueling, the 4 yeir after her coming in Scotland, the 27 yeir of the said King James raing and 28 of his age.'—*Marj. Annals*, p. 58.

(Apr. 3, 1594)—The King, being ludgit in Robert Gourlayis ludging, he come to the fermone; and thair, in prefens of the haill peiple, he promeft to reveng Godis caus, and *to banifhe all the* Papistis and thair requyftit the haill peiple to gang with him aganis Bodwell, quha wes in Leithe for the tyme. The fame day, the Kingis Maieftie rais and the toune of Edinburgh in armes. The Earle of Bothuell, quha wes in Leith, heiring that his Maieftie wes cumming doune, with the toune of Edinburgh, he reafe with his fyue hunder horfe, and come out of Leithe and raid up to the Halkhill, befyde Lexftelrik (*Reftalrig*,) and ther ftuid till he faw the King and the toune of Edinburgh approching neir him. He drew his companie away throw Duddingftoune. My Lord Home followit till the Wowmit; at quhilk place the Earle Bodwell turnit, thinking to have a het of Home; bot Home fled and he followit; yit, be chance, little bluid. The Kingis Maieftie ftud himfelf, and feeing the faid chaife.[1] [1594, Apr. 3.]

(Apr. 5.)—Siclyke, the King raid out to haue tane Bothwell, bot gat him not.

(Apr. 29.)—Williame Hegie hangit, for refaueing the Earl of Bothwell.

(May 17.)—My Lord Home maid his repentance wnto the New Kirk, befoir the Affemblie, vpone his kneis.

(Jun. 8.)—The Parliament haldin; at quhilk tyme, the Earles of Angus, Huntlie, Errole, Macklen, Mackoneill and Auchindoune wer all forfaulted.

(Aug. 30.)—The Prince baptized, and named Henrey Frederick, by the grace of God.[2]

(Sep. 16.)—Ane Proclamatione that nae man refait nor intertene the Earle Bodwell.

(Sep. 17.)—Allane Orme[3] hangit for intertening of the Earle of Bodwell.

(Sep. 24.)—Johne Gibsone hangit, and James Cochrane hangit, for intertening of the Earle of Bodwell.

(Oct. 3.)—The Battell of Glenliuet[4] fouchin betuix the Earl of Argyill, Generall for the King, aganis the Earlis of Huntlie and Atholl and thair affofiatis. The fcheiffe, of not,[5] that wes flene on Huntlie and Atholl fyid, wer, the Laird of Gight, Affinlie, Mr William Gordone, the Guidman of Dorth (*Dort*) and hes fone. This Dorth was brother to Abergeldie. Thre brethren of Tillachoudey, and the younge Laird of Drumdelgie.

(Oct. 15.)—The Capitane of Blacknes wes hangit, for refaueing and intertening the Earle Bodwell.

(Dec. 4)—Ane Proclamatioune, chairging all men not to haue to doe with the Earle Bodwell.

(*Eodem die.*)—Capitane Rallie hangit for counterfetting the Grait Seall aganis the mercheantis.

(Jan. 13, 1594-5.)—George Mwr hangit, for flaing of twa Minifters, viz. Mr Dauid Blayth and ane Aikman.

(Jan. 19.)—The young Earle of Montrois faucht ane combat with Schir James Sandilandis at the Salt Trone of Edinburgh, thinking to haue revengit the Slauchter of his cufine Mr Johne Grahame, quha wes thair flaine with ane fchot of ane piftoll, and four of his men flane with fwordis, viz. Johne Craufurd, Johne Graham, George Dundas and Alexander Boner.

[1] Marjoribanks dates this affair the 2d of March, and says, 'The King, all this tyme of the chace, was standing vpone the Borrow-mure of Edinburghe.'—*Annals*, p. 59. [2] This ceremony took place at Stirling, within the Chapel Royal. David Cunninghame Bishop of Aberdeen officiated. For a particular account of this splendid ceremonial, see 'A Trve Reportarie of the most trivmphant and royal accomplishment of the Baptisme of the most excellent, right high and mightie Prince, Frederik Henry, by the grace of God, Prince of Scotland. Solemnized, the 30 day of August 1594. Printed by R. Walde-graue Printer to the K. Maiestie. Cum Priuilegio Regali.' Quarto, Black Letter, pp. 30. This remarkable Edition was purchased, by James Maidment, Esquire, at the sale of the Library of the late Archibald Constable, Esquire, who considered it *Unique*. One other copy, however, is known to have been in the Royal Library at Copenhagen. Several Reprints were published early in the next century. See also Birch's Life of Henry Prince of Wales, &c. [3] 'Brother to the Laird of Mugdum, (*Mugdrum*).'—*Balf. Ann.* i. 395. [4] 'At this tyme, thair wes grate appeirance of troubells in Scotland, throughe the forfaulted Earlls of Huntly and Errole; quha with ther complices gadrett ane grate pouer of men against the Earlle of Argyle, being the King's lieutenant, and faught ane grate Battell in the North, near Strathbolgie, at ane part called the Ledderfute; wich battel was called by some the field of Glenliuet, and by others the battle of Belrinnes, &c.' *Marj. Annals*, p. 60. See also, in Dalyell's Poems of the Sixteenth Century, 'The Batell of Belrinnes.' And MS. Adv. Library, W. 3, 19. [5] The chief persons of note.

[1594-5, Feb. 14.] (Feb. 14.)—ANE of the Keiperis of the Wardes, in the Caſtell of Edinburgh, wes hangit, for latting the Earle of Angus out of ward.

(Feb. 18.)—HERCOLLES STEWART hangit, and ane Johne Syme, for bearing companie and intertening his awin brother, and the Earle of Bodwell.

(Feb. 23.)—THE EARLE BODWELL excommunicat.

(Mar. 10.)—ANE horrable tempeſt of ſnaw, quhiche lay vpone the grund till the 14 of Apryill thairefter.

(Maij 26, 1595.)—JOHNE GILCRYST, Henderſone and Huttoune, all thrie hangit, for making of fals wrettis and preſing to warifie (*verify*) the ſame.

(Jun. 11.)—ANE callit CUMING THE MUNCKE, hangit, for making of ffalſe wrettis.

(Jul. 19.)—JAMES LAIRD OF ENDERMARKIE and his ſeruand heidit, as partakeris of the MURDUR OF THE EARLE OF MURAY and Patrik Dumbar, in Duniburſell in Fyff; quha wer ſlaine the 7 of Februar 1591.

(Aug. 14.)—CRISTIANE JOHNESTOUNE, ane widdow in Edinburgh, raveſt be Patrick Aikenheid. The toune wes put in ane grait fray be the ringing of the commone bell. The ſaid Criſtiane wes followit and brocht back fra him; ſua that the ſaid Patrik got no advantage of hir.

(Sep. 15.)—JOHNE MACKMORRANE ſlene be the ſchot of ane piſtoll out of the Scholl; this Johne Macmorane, being Baillie for the tyme. The bairnis of the ſaid Gramer-ſcool came to the Tounis Counſell, conforme to thair yeirlie cuſtome, to ſeek the priviledge; quha wes refuiſit: Upone the quhilk, ther wes ane number of ſcolleris, being gentilmenis barnis, made ane mutinie, and come in the nicht and tuik the ſcooll, and provydit thame ſelfis with meit, drink, and hagbutis, piſtolit and ſword: They ramforcit the dores of the ſaid ſcooll, ſwa that the refuſit to lat in thair Maiſter nor na wthir man, without they wer grantit thair priviledge, conforme to thair wountit vſe. The Prouoſt and Bailȝes and Counſell heiring tell of the ſame, thai ordanit Johne Mackmorane balȝie to goe to the Gramour-ſcooll, and tak ſum ordour thairwith. The ſaid Johne, with certane officeris, went to the Hie ſcooll, and reqnyſtit the ſcollaris to oppin the doris: Thay refuſit. The ſaid Bailȝie and officeris tuik ane geſt (*joist* or *beam*) and ran at the bak dore with the geaſt. Ane ſcollar bad him deſiſt frome dinging vp the doir, wtherwayis, he wowit to God, he ſould ſchute ane pair of bullettis throw his heid. The ſaid Bailȝie, thinking he durſt not ſchuit, he and his aſſiſtaris ran ſtill with the geaſt at the ſaid doir. Thair came ane ſcoller callit William Sinklar, ſone to Williame Sinklar chanſler of Catnes, and with ane piſtollet ſchot out at ane window, and ſchott the ſaid Bailȝie throw the heid, ſua that he diet preſentlie. The haill tounis men rane to the ſcooll, and tuik the ſaid bairnis, and pat thame in the Tolbuithe: Bot the haill bairnis wer lattin frie, without ane hurte done to thame for the ſame, within ane ſchort tyme thairefter.

(Sept. .)—THE LADIE BODWELL reſauit in fauour with the King, in Glaſgow.

(Oct. 20.)—GILBERT LAWDER ſlaine, in Linlithgow, be the Cranſtounis.

(Nov. 22.)—FOUR HERALDIS ſitting drinking, twa of thame fell in words, viz. John Purdie and Johne Glaidſtanis, the ſaid Johne Glaidſtanis ſtikit Johne Purdie at the table: And the ſaid Glaidſtanis being apprehendit, he wes beheidit vpone the 25 day of the ſame moneth of November, for the ſame ſlauchter.

(Dec. 3.)—THE LADIE BODWELL baniſchit yit anes agane. Bot within ſex dayis thairafter, the ſaid Ladie purchiſt ane Letter of paice, ſubſcryuit be his awin Maieſties hand.[1]

(Jan. 5, 1595-6.)—ANE Proclamatione, declaring perpetuall PEACE betwix Scotland and Ingland;

[1] Amongest the constancies of the Courte this yeire, one was remarkeable; that at Glasgow, in September, the King receauid the Countesse of Bothuell to his fauor the 22d day at night; and one the 3d of December, agane proscriued and exyled her, wnder the paine of death: yet gaue her a Letter of Protection, wnder his auen hand, within 6 dayes thairefter. *Balf. Ann.* i. 398.

and that nane of the Bordereris invaid ane another, wnder the pane of deathe. Sic lyik, at this fame tyme, the generall mufteris proclamed to be haldin the 2 of Februar nixt. [1595-6, Jan. 5.]

(Mar. 2.)—. . . . . Campbell of Arkinles wes tane for the *Slauchter of Campbell Laird of Cadder:* And one the 4 day, he thollit ane Affyife; and contenuit day till day, till the 8 of Apryill, he wes convyit to the Blaknes till ward; and at lengthe he wes maid frie.

(Apr. 6, 1596.)—Three men hangit, viz. Patrick Douglas, Patrick Byde and ane . . . . . Syme. This Douglas wes a theiff or murderer and brunt; and haid contenit long wnfufpeckit to, be ony man.

(*Eodem die.*)—The Laird of Buckcleuch paft to the Caftell of Carlell with 70 (men) and tuik out *Will Kynmonthe* out of the faid Caftell; the faid Will lyand in ironis, within the irone yett. This he did with fchowting and crying and found of trumpet; putand the faid toune and contrie in fick ane fray, that the lyik of fick ane waffaledge wes nevir done fince the memorie of man, no in Wallas dayis!

(Apr. 14.)—Mr William Schaw wes ftrukin throche the bodie with ane raper, be Frances Mowbra, fone to the Laird of Barnbougall.

(Maii 31.)—Ane Proclamatioune, chairgeing all men betuix 60 and 16 to be in radines, betuix that and the firft day of Auguft, to pas with the King to the Iyllis.

Trial of the Earls of Huntlie and Errol ordered.

Maij 24, 1596—(*Apud Haliruidhous.*)—The Kingis Maieftie, haueing oftymes tane grite panes and trauellis for quieting of the troublit eftate of the North Cuntrey, kytheit be the effectis that followit vpoun the perfonis and levingis and houffes of the principall authouris of the faid trouble; befydis the expelling of thame felffis furth of the cheif pairtis and placeis quhair thay maid thair commoun refidence: In end, it wes thocht meit be his Maieftie, his Counfale, noblemen and baronis of the cuntrey, and vthiris refident with his hienes for the tyme, that befoir his Maiefteis returning furth of the fame cuntrey, his hienes fould conftitute and appoint ane Lieutennent, to mak his refidence and remaning thairin in his Maiefteis abfence, for obviating and withftanding of all forder practizeis, gif ony fould preis tobe attemptit; and reduceing and contening of the inhabitantis thairof, vndir his Maiefteis obediens: And albeit findrie Noblemen, then prefent with his Maieftie, wer burdynnit to accept that charge vpoun thame, yit few or nane could be movit thairunto; fum excufeing thame felffis be thair inhabilitie, and vthiris for want of prefent preparatioun; fua that delay of tyme in this caife being then thocht tobe verie dangerous, his Maieftie wes movit at laft, of verie neceffitie, to burdyn his darreft coufing Ludouik Duke of Lennox Erll Darnelie Lord Torboltoun Methuene and Aubignie, with the faid charge, eftir the fame wes refufeit tobe acceptit be all perfonis then prefent with his hienes: Lyke as his Maieftie wes forceit to furneis him with a counfaill of certane noblemen, befydis forceis of horfemen and futemen, for the bettir executioun of that charge; quhairin he continewit almaift during all the tyme of that winter feafoun: And becaus it wes then thocht tobe verie troublefum and fatheous, and almaift vnpoffible that he fould remane ftill in thay pairtis, furneift with the faidis forceis, feing the money appointit for that eirand with grite difficultie (could) be had: In end, he wes movit, of verie neceffitie, be his Maiefteis allowance, to ouerfee the paffing furth of this realme to the pairtis beyond fey of George fumtyme Erll of Huntlie, and Frances fumtyme Erll of Errole, cheif authouris of the faid trouble, vpoun Bandis alwayes gevin that thay fould not returne agane within this realme, without his hienes fpeciall Licence; and that during the tyme of thair abfens, thay fould not trafficque to the prejudice of the trew Religioun, prefentlie profeffit within this realme, his hienes perfone, crowne and eftate; vndir certane pecuniall panes, mentionat in the faidis Bandis maid thairupoun: And in refpect

thairof, to promeis lykwayes, be his hienes allowance, that the pointis foirſaidis of the ſaid Band being obſeruit and keipit, thair wyffis in that caiſe ſould haue intromiſſioun with thair rentis and leving, during the tyme of thair abſens: Quhilk promeis, his Maieſtie, his nobilitie, counſale and eſteatis preſentlie conuenit, ffindis, that his hienes can nawayes violat, without ſpott and dirogatioun of his princelie honnour: And thairfoir hes Suſpendit, and be the tennour heirof Suſpendis all forder executioun tobe vſit aganis the ſaidis ſumtyme Erllis, tuicheing the Intromiſſioun with thair rentis and leving, ay and quhill eftir tryale it ſalbe fundin and declairit, that thay haue trafficque to the prejudice of the ſaid trew Religioun, as his Maieſtie is informit; quhilk tryale his hienes ſall tak and caus be tane, betuix and the feiſt of Lambmes nixttocum; quhairvnto findrie of the Miniſterie, being now perſonalie preſent, promittit to hald hand: And incais, eftir tryale, it ſalbe onywayes foundin, that thay haue had trafficque, to the prejudice of the ſaid trew Religioun, and conſequentlie aganis his Maieſtie, his perſone, crowne and Eſtate, or vthirwayes to haue contrauenit ony parte of the ſaid Band, aganis the tennour of the ſamin; then and in that caiſe, not onlie ſall his hienes caus intromiſſioun to be had with thair rentis and leving, and the ſamin haillelie inbrocht to his hienes vſe; bot lykwayes, thair cautionaris ſalbe callit and perſewit for contrauentioun of the ſaidis Bandis, and the panes contenit thairintill vptakin of thame, with all rigour and extremitie, in example of vtheris.

(Dec. 16, 1597.)—An Act of Parliament was paſſed, Reducing the Forfeitures of the Earls of Huntlie, Angus and Errol, and of vmq^le Sir Patrick Gordoun of Auchindoun kn^t, for not entering in ward and obeying the charge of Treaſon, Mar. 8, 1593: And alſo Reducing the Doom of Forfeiture, pronounced Jun. 8, 1594: It likewiſe Reſtored them to their lands, honours, dignities, offices and eſtates, &c. *Acta Parl.* 1597, fol. 123, &c.

(Dec. 16.)—Another Act was paſſed, abolithing 'all actioun and accuſatioun, payne, penaltie and pwnithement following thairvpoun, competent to his hienes aganis the ſaidis perſonis, or ony of thair complicis or aſſiſtaris, for ony fact or deid committit be thame or ony of thame, thair complicis and aſſiſtaris foirſaidis, ſen the firſt day of Maij 1592 zeiris.'—(Jun. 30, 1598.) The Earl of Angus got a 'Commiſſion' from Parliament, appointing him 'his hienes Lieutenant and Juſtice within the boundis of the Eiſt, Middill and Weſt Marcheis of this realme, foiranent England, and all the ſcherefdomes of the ſamyn; togidder with the ſcherefdomes of Peblis, Selkirk, Eiſt Lowthiane, Niddiſdaill, Galloway, Kyle, and Ouer Ward of Cliddiſdaill, alſweill to burgh as to landwart, regalitie as ryaltie, (the inhabitantis of the burrowis of Air and Irwing onlie except); and that during his hienes will allanerlie: And ſiclyke, Wardane and Juſtice within the boundis of the ſaid Weſt Marche and ſcherefdomes and burrowis apperteining thairto, for the ſpace of ane yeir nixtocum.'—(Jul. 31, 1598.) The Earl of Angus accepted this Office, and promiſed faithful diſcharge of his duties, &c.]

Sir Walter Scott of Branxholme's relieving Kinmont Will out of the Castle of Carlisle, &c.[1]

Act *anent the* Laird *of* Buckcleuch, *&c.*

May 25.—(*Apud Haliruidhous.*)—Anent the demand maid in name and for the Kingis Maieſteis darreſt Suſter the Quene of England, be Robert Bowis hir ambaſſadour, heir reſident, ffor redres tobe gevin to hir of the allegeit outragious fact done be Schir Walter Scott of Branxholme knicht and his compliceis, at the Caſtell of Carlile, proportand: That fforſamekle as the ſaid Schir Walter, knawne to be a publict officiar, with his ſaidis compliceis, vpoun the xiij

[1] See *Acta Parl.* 1596, fol. 99.

day of Aprile laſtbipaſt, in weirlyke maner and hoſtilitie invadit hir Majeſteis realme of England, aſſailȝeit violentlie hir Caſtell of Carlile and ſubjectis, and committit vtheris haynous offenſſis contrair to the league and amitie betuix the tua realmes; gevand thairby ane juſt and manifeſt occaſioun of violatioun of the ſame: Thairfoir requiring the ſaid Schir Walter tobe baith deulie fylit for his fact, and delyuerit to his ſaid darreſt ſuſter, to ſuffir the panes tobe execute vpoun him for the ſamin; as the ſaid demand at mair lenth proportis.

The ſaid Schir Walter, being lauchfullie warnit, and compearand perſonalie befoir his Maieſtie, his nobilitie, counſale and eſteatis preſentlie conuenit, and the ſaid fact being havelie layed to his charge be the Kingis Majeſtie—ffor juſtifeing of his awne parte, denyit that euir he had ony intentioun to invade the realme of England, or to aſſailȝie ony of his ſaid darreſt ſuſteris houſſis: Lyke as, na deidis of hoſtilitie, ſic as ſlauchter, depredatioun of guidis, fyre raſing, or taking of priſonairis, nor yit the actuall taking, or his intentioun to tak the ſaid Caſtell, is relevantlie qualifeit aganis him in the ſaid demand; bot that he allanerlie ſimpillie recouerit Williame Armeſtrang of Kynmonth, ane ſubject of Scotland, furth of that parte of the Caſtell of Carlile, quhair maiſt injuſtlie he wes detenit for the tyme; as maiſt wranguſſlie he had bene tane ofbefoir, within the realme of Scotland, be Thomas depuite to the Lord Scrope Wardane of England, accumpanyed with a force of ſax hundreth armeit men, within the tyme of ane general aſſuirance, takin at a day of trew; to the quhilk the ſaid Williame had repairit, at the ſpeciall command of the ſaid Schir Walter, in quhais name, as Keipar of Liddiſdale, the ſaid day of trew wes keipit: Be the quhilk breking of the aſſuirance, the ſaid Schir Walter reſſauit ane oppin and manifeſt injurie, to the diſhonnour of his Majeſtie his ſouerane, and of the realme of Scotland: Quhilk diſhonnour and wrang can not juſtlie be excuſeit, be pretens of the ſaid Williames ſtopping of the following of ane lauchfull tred, ſeing the ſaid forme of following wes nawayes lauchfull; and albeit it had bene lauchfull, yit the ſtopparis thairof could not lauchfullie haue bene takin be the ſaid Inglifhe deputie, at his awne hand, within the realme of Scotland: Quhairby it is euident, that the onlie wrang quhilk wes in all this mater, wes committit be the ſaid Lord Scrope and his deputie, be invading the realme of Scotland in weirlyke maner, and taking of priſonaris within the ſame, in tyme of peace, and vndir aſſuirance of a day of trew, as ſaid is: In quhilk the ſaid Wardane continewit, be his wrangous detening of the ſaid priſonair and refuſall of redres, eftir lauchfull requiſitoun maid to him for that effect, be Lettres ſent to him be the ſaid Schir Walter, and als be the ſaid Ambaſſadour at his Majeſteis requeiſt, eftir that the ſaid Schir Walter, vpoun the ſaid Wardane of England his denyale of juſtice, had maid baith ſute to the ſaid Ambaſſadour and als his humble complaint to

his Majeſtie: Quhilk wrang and denyale of juſtice, movit the ſaid Schir Walter to attempt the ſimple recouerie of the ſaid priſonair, in ſic moderat ane faſſioun as wes poſſible to him; being onlie accumpanyed with foureſcoir horſemen, and vndir ſilence of nicht, without ony vther deid of hoſtilitie done be him for the tyme; quhilk ſimple recouerie of the ſaid priſoner, mon neceſſarlie be eſteimit lauchfull, giff the taking and detening of him wes vnlauchfull, as without all queſtioun it wes, and mon be ſwa eſtemit be all reſſounable and indifferent perſonis.—For the quhilkis reſſonis, the ſaid Ambaſſadouris demand to fylè and delyuer the ſaid Schir Walter, to ſuffir panes for the ſaid fact, is altogidder vnreſſounable, and wald tend gritlie to the diſhonnour of his Majeſtie and his haill realme.

Quhilkis reſſonis being at length hard and conſidderit be his Majeſtie, his nobilitie and eſteatis foirſaidis, it wes thocht maiſt meit and conuenient be thame, that conforme to the ancient treaties of peace and cuſtum obſeruit betuix the realmes, this mater of mutuall allegianceis of notour injureis done betuix the officiaris of the twa realmes aucht and ſould be intreatit be Commiſſionaris; quhilk his Majeſtie is maiſt willing and promittis for his hienes parte, with all poſſible diligence, to ſend to meit vpoun the bordour, for tryale of the ſaidis allegeit wrangis, and making of redres for all extraordinair wrangis quhilkis ſalbe tryit tobe done be his Majeſteis ſubiectis, at ſic tyme and place as ſalbe condiſcendit vpoun: The ſaid Ambaſſadour being reddy to caus the lyke be done for the parte of England: Vnto the quhilk Commiſſionaris his Majeſtie ſall giff expres command to caus mak full ſatisfactioun and redres, conforme to the ancient treaties of peace; to the effect, that now, in ſa neceſſar ane tyme, quhen the haill Ile is minaſſit be the commoun inemey, thair be na juſt occaſioun, for his Majeſteis parte, of breking of the happie amitie quhilk ſalang hes continewit betuix the tua realmes.

[*Mr Robert Leirmond and Mr Johnne Campbell, Justices-Deputes.*]

Resetting and Intercommuning with Bothwell after his Forfeiture.

Maij 29. 1596.—Dame Agnes Sincler Countes (Dowager) of Errole.[1]

Dilatit of the treſſonabill Trafficquing and Reſſauing fra ffrances ſumtyme Erle Boithwell, ſen his fforfaltour; and ſpeciallie, ſen his paſſing furth of the realme.

Comperit Mr Thomas Hammiltoun of Drumcarne and William Heart of Livielandis, aduocattis to our ſouerane lord, and produceit ane Warrand of his

[1] She was daughter of George, fourth Earl of Caithness, and second wife of Andrew, seventh Earl of Errol.

Maiefteis, to the Juftice to proceid, and the Aduocattis to infift in hir perfute; defyring to be regiftrat, quhairof the tennour followis.

Warrant *to purfue and to adminifter Juftice.*

Rex,

Justice, Juftice Clerk and ȝour Deputis, and Aduocate; We grete ȝow wele. Forfamekill as We haif appointit þis day, for þe perfute and tryell of Dame Agnes Sincler Countes of Errole, of certane crymes of Treffoun, quhairof fche is dilatit and fufpect: It is our will þairfoir, and We command ȝow our faid Juftice, Juftice Clerk and ȝour deputtis, to proceid and minifter iuftice vpoun hir, conforme to þe Lawes of our realme: And þat ȝe our Aduocate infift in þe perfute of hir: As ȝe will anfuer to ws þairvpoun: Quhairanent þir prefentis falbe to ȝow a warrand. Subfcryueit with our hand, At Halyrudehous, þe xxix day of May, 1596.

(Sic fubfcribitur) JAMES R.

Comperit the famin day M^ris^ Johnne Scharp and Johnne Nicholfoun, aduocattis and proloquitouris for the faid Dame Agnes, and produceit ane Warrand, deliuerit be the Lordis of feffioun, chargeing thame to compeir in hir defence: quhilk charge was vfit be James Chalmer Mafer; and defyrit the fame to be regiftrate, quhairof the tennour followis.

Supplication and Warrant *for Advocates to defend the Countefs of Errol.*

My Lordis of Counfale, vnto ȝour ll. huimlie menis and fchawis, We ȝour feruitouris, Dame Agnes Sincler Countes of Errole and Alexander Gordoun of Strawawin[1] my fpous, for his interes. That quhair, we are to be accufit þis day, befoir þe Juftice and his deputis, for Allegeit Intercommoning with Frances fumtyme Erle of Boithwell, or for fum vthir forgeit crymes, quhairof as þe Lord knawis We ar maift innocent: And albeit for þe better defence of our innocencie þairanent, and for proponing of our lawfull defenceis, it be neidfull to ws to haif certane Aduocattis to procure þairintill, We being to be accufit on our lywes; and þat þe haifing of preloquitouris in fic materis is permiftibill and accuftumit of þe Law and daylie practice; nochtþeles, þair will nane of þe Aduocattis procure for ws in þe faid materis, without ȝour ll. command. Heirfore we befeke ȝour ll. þat we may haif command to M^ris^ John Scharp, John Ruffell and John Nicholfoun aduocattis, to compeir befoir þe Juftice and his deputis, and procure for ws in þe faidis materis, vpoun our reffonabil expenfis. According to Juftice and ȝour ll. anfuer, we befeik.

Apud Ed^r^. xxix^o^ Maij 1596. Fiat ut petitur.

(Sic fubfcribitur) . . . . J. P. D. R. Secretarius. Mr James Johnstoun.

Persewaris, Mr Thomas Hammiltoun of Drumcarne, Mr William Heart of Livelandis.

Preloquitouris in defence, Mr Johnne Scharp, Mr Johnne Nicholfoun, Mr Johnne Ruffell.

The faid Dame Agnes requires of the Juge that fche may haif hir hufband to affift in hir defence.

The Juftice ffindis hir fufficientlie authorifit with preloquitouris:—Allegeit, that hir hufband being in this toun, fould be heir to affift.

First, It is allegeit for the faid Dame Agnes, that the Dittay, anent the allegeit crymes contenit thairin, is generale, nocht condifcendand vpoun the moneth of the committing of the allegeit crymes, preceiffie; bot refolnand *alternatiue* in

[1] Strathowne, or Strathdon, the son of Alexander, third Earl of Huntly, and ancestor of the Gordons of Cluny.

ane of the xij monethes: quhowbeit he ſuld preceiſlie lybel the monethe, if the law, *per legem Libellorum Diges. de Accusationibus.—Secundlie,* Allegeit the Dittay to be alluterlie[1] irrelevant, inſafar as the ſamin is conſauit vpoun the reſſait of onye Letteris fra the Lady Boithwell, beiug in the tyme lybellit in our ſouerane lordis ſaifgard and protectioun: And quhair it was menit[2] that the tennour of the lettres was to ſupport Frances ſumtyme Erle Bothwell, (nocht granting the veritie thairof), the deſyre of ſupport be onye of Boithwellis freindis can newir infer a treſſoun aganis thame fra quhome the ſupport is aſkit, except it had bene qualefeit that the ſaid ſupport was grantit; for albeit the deſyre to ſupport ane trattour may be treſſonabill, yit the refuſe of the ſupport can nawyiſe be criminall. *Thridlie,* As to the laſt point, twitcheing the allegeit reſſait of Lettres fra the Maiſter of Cathanes,[3] (nocht grantand as ſaid is,) repetis the former anſwer, with this additioun, that the Maiſter of Cathanes ſtandis the Kingis ſubiect, newir being forfalt. *Ferdlie,* As to that point, twitcheing of ane Obligatioun inclofit within the Ladye Boithwellis Lettre, the ſamen is verrie irreleuant, nor inferris na cryme, except thair had bene ſowmes delyuerit, for it may ſtand, that the Ladye Boithwellis Lettre being refuſit, the ſamin with the Obligatioun mycht be revin, as it was trew indeid. As to the qualificatioun of the conceling, quhair thair is na cryme thair is na conceling, for the conceling man be of a cryme.

The Aduocate anſueris to the *ffirst* allegeance, anent the generalitie of the tyme, that it aucht to be repellit; becaus the Dittay will ſtand releuant in onye day of the haill yeir, the Erle Boithwell ſtandand forfalt all that yeir; and it being Treſſoun to trafficque for him, and to concele the ſamin: Anſuerand to the *secund* allegeance, ſayis that it is nocht ſet doun nakitlie in Dittay, that the Letteris was reſſauit fra the Lady Boithwell, as the cryme quhairvpoun the pannell is accuſit; bot, that the Lettre contenit treſſonabill traffiquing and procuring of money for my Lord Boithwell, than ſtandand forfault. The reſſauing and conceling thairof was lykwyſſe Treſſoun, in the perſoun of the reſſauear and concelar; becaus it is manifeſt of the law, that the knawledge and conceling of Treſſoun is Treſſoun. Quhair it is affermit be the pannell, that the Letter and Obligatioun reſſauit wes revin and brunt, the perſewar acceptis the ſamin *in quantum;* and yit the ſamin purcheſſis nawyis the knawledge and conceling; becaus it wes nocht anewch, in caiſe it had bene trew that the defender had rewin and diſtroyit the ſaidis Lettre and Obligatioune, (the contrar quhairof is maiſt trew;)

[1] Altogether, entirely. [2] Complained. [3] John Master of Caithness, her brother, (who died in 1577,) married Dame Jean Hepburn, only daughter of Patrick third Earl of Bothwell, who was Francis Earl of Bothwell's mother. The person here alluded to might be John Master of Berriedale, ſon of William Lord Berriedale, and grandson of George fifth Earl of Caithness.

bot it behowit hir, of hir dewtie and alledgeance, to haif revelit the treſſonabill directing thairof, and to haif manifeſtit hir awin innocencie, be refuſall and reveling, and be deteining of the meſſingir quha wes in hir hous and power, ſche haiſing ſic knawledge of his treſſonabill travelling and traffiking in that mater; quhilk the Aduocat repetis, as ane anſuer to the haill alledgeance.

The Defender repetis hir former anſuer, and eikis thairto, that thair can nocht be ane conceling in Treſſoune, quhair thair is nocht *tractatus* in Treſſoun; *tractus est duorum vel plurium in eodem consensu.* Thair is na conſent heir qualeſeit, that ony ſupport wes grantit, ȝe (yea) be the contrar, it wes refuſit; and the propoſitioun *de fiendo subsidio* and the refuſing thairof nocht *facit tractatum, itaque,* thair is nather cryme nor conceling. The aduocat acceptis the alledgeance *in quantum,* and anſueris, that the ſamin elydis nocht the Dittay, quhilk is nocht only foundit *super tractatu, sed super silentio et celatione;* and the Doctouris and ſpeciallie Angelus affirmis, that the knawledge of ony kynd of Treſſoun and conceling thairof, be him quha may preif it, is Treſſoun: And trew it is, that my Lady Bothwellis wryting for money and ſupply to my Lord Bothwell hir huſband, being the Kingis rebell, is Treſſoun; quhilk being knawin to the defender, and habill to haif bene verefeit be the Lettres reſſauit be hir fra my Lady Bothwell to that effect, hir conceling thairof is expres Treſſoun: Lyke as, the lyke cryme wes fand Treſſoun, in the pairt of Dauid Home of Argattie, in anno 1584[1] or thairby; quha, for reding and conceling of ane Letter direct fra his brother-ſone,[2] being thane foirfalt in Ingland, to ane of his awin tennentis, for ſupport fra him of money and vtheris his privat effairis, wes thairvpoune put to ane Aſſyiſe, convict thairof and thairfore execute: And Mr Nicoll Dalgleiſch,[3] being accuſit for reding of commendatiounis, writtin in ane Letter, ſend be Mr Walter McCanquall to the ſaid Mr Nicoll, in ane Letter writtin to the ſaid Mr Walteris wyffe; the Dittay, foundit vpoun the ſaid cryme, wes fund relevant; he wes put to the knawledge of ane Aſſyſe, and he wes convict thairof. And this cryme ſpecefeit aganis this preſent pannell, being mair odious of the ſelff and relevant of the law nor the ſaid vthir crymes aboue mentionat, the ſamin aucht to be fand relevant, nochtwithſtanding the haill alledgeance maid in the contrair.

The Defender anſueris to the pretendit practikis, that thair is nane of thame produceit: and proteſtit, that before ony of thame be red be the judge or the King and Counſall, that thay may haif inſpectioun of thame, that ſche may anſuer thairto: And in caiſe ony ſic thing wer as is alledgeit, it is nocht pertinent in this caiſe, ſpeciallie Mr Dauid Home of Argatie, quha is allegeit to haif red

[1] See Dec. 8, 1584. [2] Patrick Home, 'ſervitour' to the Earl of Mar. [3] Minister of St Cuthbert's, near Edinburgh. See Dec. 8, 1584.

ane Letter, writtin be ane declarit Tratour: As to Mr Nicoll Dalgleiſch, he wes newir convict. And forder, the Act of Parliament, maid att Lynlythqw in fourſcoir and fyve ȝeir (1585) retretis,[1] and for maiſt vrgent cauſſis hes retretit all ſic proceſſis, and hes ordenit the memorie thairof to be bureit for ewir, that thay ſould nocht be hard in judgement thaireftir.—Anſuerit the Aduocat, that the Act of Parliament, maid att Lynlythqw, contenis reſtitutiounes *gratie et non juris;* and albeit it haif redintegrat[2] the perſonis forfaltit being on lyff, and the poſterite of thame being deceiſſit, to thair fame, honour and leivingis, yit it alterit nocht *decisiones juris,* foundit vpoun the Commoun Law and nocht vpoun particular Actis maid aganis the perſonis foirfaltit.

The defender repetis the former anſuer, with the Act of Parliament and cauſſis thairin contenit; quhilk Act of Parliament reſcindis the haill proceſſis, *per expressum,* as gif thair had bene ſpeciall decreitis gewin vpoune ilkane of thame.

The Juſtice continewis to Monunday the laſt of Maij.

(Maij 31.)—The Juſtice continewis Interloquitour, in the alledgances proponit betuix the Lady Erroll and the Kingis Advocattis, to the ſecund of Junij nixtocum. [No farther entries occur in the Record.]

Slaughtering, selling, and eating of Flesh in time of Lent.

May 31.—William Barrie, fleſcheour in Dunde, and thirteen others 'fleſcheouris' of Dundee and Perth.

Dilatit of contravening of the Actis of Parliament, in ſlaing and eitting of fleſch in Lentrone laſtwas.

Only one of the pannell 'fylit and convict;' another continued to the aire of Perth; and the others found to be 'cleane and acquit.'

Eating Flesh in time of Lent.

May 31.—[David] Erll of Crawfurd.

Mr John Halyday produceit the Kingis Licence, ſubſcryuit be his Maieſtie, grauting the Erll of Crawfurd licence to eit fleſche, and Thomas Stewart to mak reddie fleſch, (in time of Lent).

The Aduocat allegis the Licence is null, in reſpect it is paſt but[3] compoſitioun, and nocht conforme to the Act of Parliament.—The pannell alledgis, that na proces ſould be led in this Judgement, becaus befor the criminall perſuit, ane precognitioune ciuile aucht (to have taken place), and it importit ane pecuniall pane allenarlie.—The Aduocat anſueris, that the alledgeance aucht to be repellit,

[1] Lat. *Retractare.* [2] Lat. *Redintegrare.* [3] Without.

in reſpect of the Act of Parliament, ordaining that the Theſaurar ſall accuſe thame, and being convict, thair eſcheitis and vnlawis ſalbe tane vp.

[*Mr Robert Leirmond, Justice-Depute.*]

Child-Murder.

Jun. 1.—Issobell Pratt, ſeruand to Criſtopher Lyndeſay in the Grange.

Dilatit of the crewall Murthour and ſlauchter of ane infant bairne, procreat betuix hir and John Abircrumbie wrycht, eftir the bairne wes quick borne; committit in the Grange the ſewintein of Maij laſtwas.

Verdict. The Aſſyſe, in ane voce, ffylis the ſaid Iſſobell Pratt of the murdreiſſing of hir awin barne, be ſtrangling of the barne, ane man chyld, be nipping of the bairnis chraig.[1]

Sentence. 'Fylit and Convict. Suſpen.'

Shooting with Daggs and Pistolets—Hurting and wounding.

Jun. 1.—James Creychtoun of Ruthvennis, Dauid Home his ſeruand, Stephin Currour of Logiemegle, Johnne Cuming in Glaſwall and Abimilech Crech, burges of Edinburghe.

Dilatit of contravening of the Actis of Parliament, in bering and wering of (and ſchuting with dagis and) piſtolettis; and hurting and wounding of John Ker, ſeruitour to Dauid Wod of Craig, in the body and rycht hand, George Ker in the heid, and James Ker in the left hand; and mutilatioun of the ſaid James of twa fingaris of his left hand.

Comperit James Reid, Conſtabill of the Caſtell, and produceit ane Teſtimoniall ſubſcryuit be Dauid Ramſay, Miniſter at Elyth and Ruthvennis, teſtifeing *Criſtopher Creychtoun* in Megle and *Alexander Creychtoun* to be lyand deidlie hurt: And als, produceit the Kingis Precept, ordaining the Juſtice to continew the mater, vpoun fyftene dayis wairning, vpoun the ſaid Criſtopher and Alexander Creychtoune, in reſpect thay ar lyand deidlie woundit.—The Juſtice admittis the Kingis Warrand, the Theſaurar being preſent and conſenting thairto.—Continued to the Aire of 'Forfare, tertio Itineris, (vel ſuper premonitione) xv dierum.'

Shooting with Pistolets—Hurting and wounding.

Jun. 2.—Dauid Wod of Craig, Mr James Wod, brother to the Laird of Craig, Robert Wod, broder to Thomas Wod in the Grange, and John Ker, ſeruitour to the Laird of Craig.

[1] Squeezing or pinching of the child's throat or windpipe, *craig.*—The same mode of suffocation which was recently practised by the infamous Burke and his gang, in the West Port of Edinburgh.

Dilatit of the hurting and wounding of Criftell (Chriftopher) Creychtoune, feruitour to James Creychtoune of Ruthvennis, be the fchot of ane piftolet in the bodie and arme, to the effufioun of his blude in grit quantitie; and thairby, for contravening of the Actis of Parliament, in bering, wering and fchuting with piftolettis; committit in March laftbypaft.

It wes allegeit be Mr Johnne Scharp, aduocatt, that Dauid Wod of Craig can nocht be vnlawit for the entrie of Dauid Wod, fone to the Laird of Boningtoun, and George Ker, becaus Johnne Ducie, Minifter of Monroife, teftifeit to Walter Commendater of Blantyre (Treafurer), that thay wer vnliable; quhilk was confeft be the Thefaurar.—Continued to the Aire of 'Forfar, tertio Itineris, xv dierum.'

[*Mr James Fowlis, Justice-Depute.*]

Murder—Theft.

Jun. 7.—Johnne Pennycuik in Dykenuke.

Dilatit of airt and pairt of the crewall Murthour and Slauchter of vmq[le] Johnne Cowane; and of Hurting of Alexander Young in Cowter, and chaiffing of Cuthbert M'Clellen at the Weft Port of Edinburghe; and for airt and pairt of the thifteous fteling of thre naigis fra thame; committit the xxiij day of May laftbypaft, &c.

Persewaris, Robert Lord Sanquhar, Johnne Drybureht in Ravinfhauch, Williame Drybureht thair, John Wauchop, baillie in Nudrie, Johnne Creychtoun of Bruntoune, Robert Miller in Stanyhill, Sir Archibald Naper of Edinbellie, kny[t], Mr Williame Hairt, aduocat.

Verdict. The pannell is 'ffylit' of eight feperate acts of Theft, &c. and 'for Commoun thift, commoune Reffett of thift, inputting and outputting of thift, bayth auld and new.'

Sentence. To be tane to the Gallows of the Borrow-muir, and thair to be hangit quhill he be deid; and his heid and rycht hand to be ftrikin off, and put and hung vpoune the Weft-port; and all his movabill guidis to be efcheit and inbrocht to our fouerane lordis vfe, &c.

[*Mr Jacobus Fowlis Justiciarius, per Commissionem s. d. n. Regis constitut.*]

Slaughter.

Jun. 8.—Thomas Gardyn, fumtyme in Bandoch, now in Legatftoun.

Comperit James Guthrie of Gagye, and produceit our fouerane lordis lettres deulie execute and indorfate, purcheft be Iffobel Wod Ladye Guthre, the relict; James Guthre of Gagye, Dauid and Gabriell Guthries, fonnes; with the kyn and freindis of vmq[le] Alexander Guthre of that Ilk; to tak fouertie of Thomas Gardyn, fumtyme in Bandoch, now in Legatftoun, that he fould compeir befoir our

Soueranis Juſtice and his Deputis this day and place, and vnderlye the law for art and part of the crewall ſlauchter of the ſaid vmq^le Alexander Guthre of that Ilk; and deſyrit proces thairvpoun, and proteſtit, that he as cautioun be relevit of his cautionarie.

Comperit Mr Dauid Peirſoun, and produceit ane Warrand of his Maieſteis, datit at Lynlythqw, the ferd day of Junij inſtant, to deſert the dyet; and deſyrit that the ſamin be obayit; quhairof the tennour followis.

Rex,

Justice, Juſtice-Clerk and 3our deputis, We grete 3ow wele. Forſamekill as it is vnderſtand to ws þat our vtheris Lettres ar raſit, at þe inſtance of þe bairnis, kyn and freindis of vmq^le Alexander Guthre of þat Ilk, and our Aduocattis for our intres, for calling of Thomas Gardyn of Bandoch to vndirlye our lawis beſoir 3ow, vpoun þe viij day of Junij inſtant, for art and part of þe Slauchter of þe ſaid vmq^le Alexander, as our ſaidis Lettres at lenth beris: Nochtwithſtanding quhairof, in reſpect We haif alreddie cauſit þat deidlie feid ſtanding betuix þe houſſis of Gardyn and Guthre, amangis vtheris, to be aſſurit and ſubmittit to certane of our Counſale, Barrownis and Miniſteris, for reconſiliatioun and remowing þairof; all ſic perſuittis wald in þe mene tyme be ſtayit þat may hinder þe ſame: And þairfoir it is our will, and We command 3ow, þat vpoun þe ſycht heirof 3e deſert þe ſaid dyet, appointit þe ſaid aucht day of Junij inſtant; and on nawyiſe vnlaw the ſaid Thomas nor his cautionar for nocht entre þairat, bot deſiſt fra all maner of proceding þairin; þat according to þe ſubmiſſioun, þe remaning of þe feid may be þe bettir handillet, and proceid without impediment. As 3e will anſwer to ws vpoun 3our office and obedience: Quhairanent þir preſentis ſalbe 3our warrand. Subſcryueit with our hand, at Lynlythqw, þe ferd day of Junij, 1596.

(Sic ſubſcribitur) JAMES R.

Quhilk Warrand the Juſtice obayit, and thairvpoun deſert the ſaid Court, in reſpect of na contrair warrand produceit.

Consulting with Witches, for destruction of Earl of Orkney, &c.—Witchcraft—Poisoning—Murder.

June 24.—Johnne Stewart Maiſter of Orknay.

Dilatit of conſulting with vmq^le Margret Balfour, ane Wich, for the diſtructioune of Patrik Erll of Orknay, be poyſoning.

Persewar, Mr Williame Hairt Aduocat to our ſouerane Lord.

Preloquitouris for the Pannell.

My Lord Barnbarrocht, Mr W^m Leſlie, Mr Johnne Nicolſoun, Thomas Kennydy Tutour of Caſſillis.

The ſamin day, Patrik Erll of Orknay being ofttymes callit, to compeir this day and place, to haif inſiſtit in perſuit of Johnne Maiſter of Orknay for the crymis contenit in the Lettres, as he that wes lauchfullie ſummond to that effect, comperit nocht; quhairvpoun the ſaid Maiſter of Orknay aſkit inſtrumentis.

The ſaid Mr Williame Hairt aduocat inſiſtit in perſuit of the ſaid Johnne Stewart, for the crymes contenit in the lettres: That is to ſay;

DITTAY *against* THE MASTER OF ORKNEY.

FORSAMEKILL as the ſaid Johnne Maiſter of Orknay, brother germane to Patrik Erll of Orknay, vpoun the fyrſt, ſecund, thryd, ferd, fyft, ſaxt and remanent dayes of the monethis of October, Nouember, December and Ianuar, att the leift in ſum of the dayes of the monethis foirſaidis 1593, Conſpyrit the Murthour of the ſaid Patrik Erll of Orknay, his brother, conſultat and dewyſit thairanent with vmq^le^ Alyſoune Balfour, ane knawin notorious Wich and execute to the death for Wicheraft; and that att the tymes foirſaid, within the ſaid vmq^le^ Alyſounis hous in Ireland[1] in Orknay, how thay mycht haif bewichit the ſaid Patrick Erll of Orknay his brother, and bereif him (of life) be Sorcerie and Wicheraft: Quhilk the ſaid Alyſoune grantit and confeſt the tyme of hir executioun and diuers tymes of befoir: LYKEAS, the ſaid Johnne, in the foirſaid moneth of November, and in ane or vthir of the dayes thairof, ſchortlie eftir the deceiſe of vmq^le^ Robert Erll of Orknay, than paſt to Mr Williame Mwdeis hous, in Wallis in Orknay, accumpaneit with James and Williame Stewartis, his brether, Patrik and Olipher Sinclaris, Thomas Palpla and vtheris thair complicis, quhair the ſaid Johnne with the ſaidis perſonis conſultit, conſpyrit and dewyſit how to murthour the ſaid Patrik Erll of Orknay his brother, be poyſoning, or vthirwayes, be craft and quyet dealing. LYKEAS, the ſaid Johnne hyrit and conduceit the ſaid Thomas Palpla his ſeruitour to poyſoun the ſaid Erll of Orknay, quha tuk the ſam in hand; and being accuſit thairof, confeſt the ſamin, and wes execute thairfoir to the deid: LYKEAS alſo, the ſaid Johnne, with the affiſtance of the ſaid Williame Stewart his brother and thair complices foirſaidis, conſultit, dewyſit and concludit att the tyme foirſaid, to haif murtherit the ſaid Patrik Erll of Orknay, att ane Bankynet in Dauid Moncreifis, in Kirkwall in Orknay; quhilk the ſaid Williame Stewart his brother hes confeſt diuerſe tymes ſenſyne: LYKEAS, the ſaid Johnne Stewart, in the moneth of December thaireftir, in the yeir of God foirſaid, att the leift in ane of the dayes of the ſaid moneth, conſultit, dewyſit, conſpyrit and interpryſit to haif enterit in, ſecreitlie, in the ſaid Patrik Erll of Orknayis chalmer, within the Place of Birza in Orknay, thair to haif ſlayne and murtherit him in his bed. Committing thairby, att the leift doing that in him lay, be the meanis foirſaidis, to haif ſlayne and murdreift the ſaid Patrik Erll of Orknay.

The ſamin day the ſaid Mr of Orknay declarit, that albeit the ſummondis be altogidder irrelevant in the thre heidis thairof, viz. Wicheraft, Poyſoning and Murdering of his brother, anent the ſpeciall circumſtances and factis alledgeit done and interpryſit be the ſaid Maiſter of Orknay, and that it is newir lybellit that ony effect followit vpoune the ſaid pretendit purpois of conſultatioun, quhilk

[1] Yreland, or Yrland, 'a town' in the parish of Stennes or Stenhous.

is alwyiſe denyit and is maiſt falſlie forgeit; yit neuirtheles, in reſpect of his innocencie, he is content to abyde the ordinar tryall of all the poyntis and crymes ſpecifeit in the ſaid ſummondis.

The ſamin day the Aduocat produceit his Maieſteis Warrand, and deſyrit the ſamin to be inſert; and forder deſyrit the concurs of my Lord of Orknay, as he that wes lauchfulle wairnit to that effect; quha being callit comperit nocht; and the ſaid Aduocat deſyrit proces, and tuik inſtrumentis, that the partie opponit nocht aganis the ſamin. Followis the tennour of the Kingis Warrand.

Rex,

Mr Thomas Hammiltoune of Drumcarne, and Williame Hairt of Lewielandis, aduocattis to our ſouerane Lord. We greit ȝow weill. It is our will, and We command ȝow, that incontinent efter þe ſycht heirof, ȝe compeir before our Juſtice or his Deputis, in ane Court of Juſticiare to be hauldin in our Tolbuith of Edinburgh the xxiij day of Junij inſtant, and inſiſt in perſuit of Johnne Stewart, Mr of Orknay, ſummond be vertew of our vtheris Lettres, purcheſt att ȝour inſtance aganis him, ffor þe alledgeit conſulting, enterpryſing and dewyſing of þe ſlauchter of Patrik Erll of Orknay; and that ȝe nawyis conſent to prorogatioun or delay of þe ſaid mater to ony vthir day, nochtwithſtanding of ony directioun purcheſt or to be purcheſt in þe contrar heirof: For þe quhilk þir preſentis ſalbe to ȝow ane warrand. Subſcryuit with our hand, Att Halyruidhous, þe xvij of Junij, 1596.

(Sic ſubſcribitur) JAMES R.

Assisa.

Laurence Bruce of Cultman-Lundie,	Sir Wm. Stewart of Houſtoun, knycht,	Frances Robertſoun, burges thair,
Hew Sinclar of Burgh,	Thomas Otterburne of Reidhall,	Williame Tod thair,
Alexander Lord Spynie,	Patrik Chene of Eſſilmonth,	Johnne Makie thair,
Robert Lord Sanquhar,	James Ogilvie of Balfour,	Johnne Dik thair,
. . . . Mr of Ogilvie,	Andro Bauchop, burges of Edr,	Patrik Kennedie burges thair.

The ſaid Maiſter of Orknay produceit ane Declaratioun vnderwrittin, togidder with ane Inſtrument, quhilk thay deſyrit to be inſert in the proces.—Item, the ſummondis is foundit vpoun thre heidis, viz., Wichcraft, Poyſoning and Murthering of his brother: As to the ffyrſt point, albeit the ſpeciall circumſtances of the mater be nocht ſpeciallie qualifeit and ſett doun in the ſummondis, yit he is content to abyde ane Aſſyſe thairof, in reſpect of his innocencie. And as to the Confeſſioun of Aleſoun Balfour, to remember the Aſſyſe, that the ſaid Aleſoun wes, be vehement tortour of the caſchielawis,[1] quhairin ſche wes kepit be the ſpace of fourtie-aucht houris, compellit to mak the ſaid pretendit Confeſſioune: Likeas hir huſband callit . . . . . Tailliefeir, being ane man of lxxxxj yeiris of aige, togidder with hir eldeſt ſone and hir dochter, wer all kepit at anis and

[1] This instrument of torture is elsewhere called *caspicaws*. Dr Jamieson conjectures the word to signify 'the warm hose.' No doubt the application of intense heat to the limbs, during the infliction of the torture, was usual in various countries. After encircling the leg with an iron frame-work, it was put into a moveable furnace or chauffer, and during the progress of heating the iron, the intended questions were successively put. This exquisite pain must have induced the unhappy sufferer to confess almost any thing that might be proposed. Perhaps the instrument may, from this last circumstance, have obtained the *soubriquet* or nickname from an old French word, *Casse-loix*.

at the ſame inſtant in waird, beſyde hir, and put (to) tortouris att the ſame inſtant tyme; the fader beand in the lang Irnis of fiftie ſtane wecht; the ſone callit in the buitis with fiftie ſewin ſtraikis;[1] and the dochter, being ſewin yeir auld, put in the pinnywinkis;[2] to this effect, that hir ſaid huſband and bairnis beand ſwa tormentit beſyde hir, mycht move hir to mak ony Confeſſioune for thair releif: Lyke as thaireftir, immediatlie eftir hir relieſe out of the ſaid torment, ſche revoikit the ſaid Confeſſioune: And thaireftir, in preſens of the haill toune, before the Aſſyiſe, and att the tyme of her executioune, ſche declarit oppinlie, that the ſaid Confeſſioune wes altogidder fals and extortit: The notorietie quhairof is referrit to the Aſſyiſe. ITEM, the vthir twa heidis, anent the poyſoning and the murthering, (albeit the ſame be nawyiſe relevant poyntis of ony tyme, becaus it is nocht alledgeit that thair followit ony thing vpoune the ſaidis pretendit conſultatiounis, nor yit that the ſame cam *ad actum proximum*,) the Maiſter being altogidder innocent of the ſaid pretendit forgeit accuſatiounis, refuſis na tryell: And as to the Confeſſioune maid be Thomas Palpla, the ſame wes in lyke maner extortit of him, he being kepit in the caſchielawis ellewin dayis and ellewin nychtis;[3] tuyiſe in the day, be the ſpace of fourtene dayis, callit in the buitis, he beand naikit in the meane tyme, and ſkairgeit with towis,[4] in ſic ſoirt, that thay left nather fleſch nor hyde[5] vpoun him: In the extremitie of the quhilk tortour the ſaid pretendit Confeſſioun wes drawin out of him: Quhilk pretendit Confeſſioun he ewir revoikit and recantit, immediatlie as he wes frie of the tortour; and att laſt, publictlie, the tyme of his executioune, he oppinlie revokit the ſamin, quhilk wes referrit to the Aſſyſe.

Follows the tennour of the inſtrument produceit.

DECLARATION OF ALESOUN BALFOUR, *at the place of her Execution.*

APUD KIRKWALL, vpoun þe Heding-hill of þe ſame ſaxtene day of December 1594. IN preſens of Thomas Swyntoun Miniſter at Kirkwall, Johnne Stewart Reidar þair, Mr Gylbert Body Miniſter att Holm, Alexander Somerwall in Deirnes, Johnne M'Kenzie, Dauid Moncreif ſeruitour to my Lord Erll of Orknay, and Gylbert Pacock, with findry vthiris. The quhilk day, in preſens of me notar publict vnderwrittin and witneſſis foirſaidis, ALESOUN BALFOUR, being condampnit for hir alledgeit poyntis of Wichcraft, and led to þe Hill to þe place of Executioune; ſche, in preſens of me and witneſſis foirſaidis declarit and tuik vpoun hir ſaull and conſcience, as ſche wald anſuer att þe day of judgement, quhen the ſecreitis of all hairtis ſalbe diſcloſit, that ſche wes als innocent and wald die als innocent of ony point of Wichcraft as ane barne new borne: AND als, being inquyrit vpoun hir ſaull and conſcience to declair 'quhat ſche knew of þe Laird of Stenhous, and to quhat effect he gaif to hir þe walx þat wes fund in hir purs?' Quha þan preſentlie declarit, be hir pairt of Paradyce, and as

[1] See Fian's Trial, p. 219, &c. and the Trials for Witchcraft. [2] See p. 215. [3] This fact is quite inconsistent with the application of intense heat. Perhaps the instrument may have been similar, in its construction, to the Witches' bridle, mentioned in the notice prefixed to the Trial of Bessie Dunlop. See page 50. [4] Ropes, cords. [5] Skin. A most disgusting and frightful instance of the iniquities practised under form of law; which, indeed, would disgrace the most barbarous tribe of Indians!

ſche wald anſuer to þe lewing Lord, that ſche knew na thing to þe auld Laird of Stenhous bot honeſtie; and þat his Lady, being ſubiect to the colick, notour to hir, willit þe Laird to giff hir ane peace walx, a fowre ȝeir bygane ſyne, to mak ane implaiſter; to be imployit be hir to his Lady, for remedie of hir ſaid diſeiſe, and na vthirwyis, as ſche wald anſuer to þe lewing God of heavin and aeirth: And ſaid þan playnlie, þat ſche wald die with the ſame confeſſioune; lykeas, ſche thane deit conſtantlie þairwith. And ſiclyke, being inquyrit and accuſit be þe Perſoun of Ropher, 'gif ſche wald abyde be hir fyrſt Depoſitioun, maid in þe Caſtell of Kirkwall, vpoun the . . . . . day of December inſtant?' Quha anſuerit, þat þe tyme of hir firſt Depoſitioun ſche wes tortourit diuerſe and ſeuerall tymes in þe Caſchielawis, and ſindrie tymis takin out of þame deid,[1] and out of all remembrance aþ^r of guid or ewill; as lykewyis hir guidman being in þe ſtokis, hir ſone tortourit in þe Buitis, and hir dochtir put in þe Pilliewinkis, quhairwith ſche and þay wer ſwa vexit and tormentit, þat pairtlie to eſchew ane gretar torment and pwneiſchement, and vpoun promeis of hir lyffe, and guid deid be þe ſaid Perſoune, falſlie, aganis hir ſaull and conſcience, ſche maid þat Confeſſioun, and na vthirwyis: For þe quhilk, ſche aſkit þe Lord mercy and forgiuenes; and conſtantlie deit þairatt. Quhairvpoun all and ſindrie þe premiſſis, Thomas Ballendene fear of Ewe tuik act and inſtrument.

(*Sic ſubſcribitur,*) *Ita eſt,* Jacobus Nevene, *notarius publicus ac teſtis in premiſſis rogatus et requiſitus: Teſte manu propria.*

After the quhilk Declaratioun, the Juſtice patt the ſaid Johnne to the tryell of the Aſſyſe. Quhilk perſounes being choſin, ſworne and admittit, and the ſaid Johnne Maiſter of Orknay, being accuſit be Dittay of the ſaidis crymes, in thair preſens, he denyit the ſamin. Eftir the productioun of certane euidentis and inſtrumentis, quhair the ſaidis vmq^le Alyſoun Balfour and Thomas Palpla maid revocatioun of thair Depoſitiounis and Confeſſiounis, alledgeit maid in preiudice of the ſaid Johnne Maiſter of Orknay; the Aſſyſe tuik inſtrumentis, that thair wes na thing produceit for vereficatioun of the Dittay, and that the ſaid Dittay wes nocht ſworne.

The ſaid perſoun on pannell aſkit inſtrumentis of the cheſing of the Aſſyſe but oppoſitioun.[2]

Verdict. The Aſſyiſe removit altogidder furth of Court to the Counſal-hous, quhair thay, be pluralitie of vocis, chuſe Robert Lord Sanquhar Chancillar of the ſaid Aſſyiſe; and thairefter reaſonit upoun the poyntis of the Dittay, and haiſing votit thairvpoun, efter voting and reſolutioun, re-enterit agane in Court, quhair thay, be the mouth of the ſaid Chancillar, ffand the ſaid Johnne Stewart Maiſter of Orknay to be Acquit and innocent of the haill crymes and poyntis of Dittay particularlie above mentionat, quhairof he wes accuſit.

[*Mr James Fowlis, Justice-Depute.*]

Forcible Abduction—Ravishing.

Jun. 30.—Alexander Fleming of Barrochan, Patrik Fleming and Mr James Fleming, his ſonis, &c.

[1] In a swoon, or 'dead-faint.'

[2] Without challenge upon his part.

Comperit Patrik Maxwall of Dargavell, and produceit our ſouerane lordis lettres, dewlie execute and indorſate be the ſaid Patrik him ſelff, Marioun Porterfeild his ſpous and Rabecca Maxwall his dochter, to tak ſouirtie of the ſaid Alexander, Patrik and Mr James, and vtheris thairin contenit, that thay ſould haif comperit this day and place, and vnderlyne the law for airt and pairt of the cuming to the ſaid Patrik Maxwallis duelling-place of Dargavell, and Reveiſching of Rabecca Maxwall his dochter furth thairof, and taking of hir away with thame to the place of Barrochane, and keping hir in ſtrait firmanſe, be the ſpace of fyftene dayis or thairby; committit vpoun the thryd day of Nouember laſtbypaſt, and vtheris crymis contenit in the lettres direct thairupoun.

This mater ordenit to be continewit, be the Priour of Blantyre theſaurar and the Juſtice Clark, be thair Precept.—Sir Patrik Houſtoun of that Ilk became pledge and ſouirtie for Alexander Fleming of Barrochane, Patrik F. his ſone and apperand air, Mr James F. alſe his ſone, Hew F., James F., James Henryſoun and Peter Cuming, ſeruandis to the ſaid Alexander; Robert Fleming in Covenlie, Gabriell Reid in Barrochane, Williame Houſtoun thair, Patrik Houſtoun thair, Williame Reid in Hillis, Patrik Fleming in Aylie, Thomas Kellocht in Craighall, Matho Patrik thair, Johnne Allane in Cruik, James Fleming in Corſlie, Patrik F. att the kirk of Killellane and Alexander Alſchenar in Wod, and that thay ſall compeir before our ſouerane lordis Juſtice or his deputis, the thryd day of the nixt Juſtice-air of the ſherefdome of Renfrew, or ſoner quher or quhen it ſall pleis our ſouerane Lord, vpoune fyftene dayes wairning, and vnderly the law for the ſaid crimes.

Forcible Abduction, &c.

Jul. 5.—Williame Bannatyne of Corhous.

Dilatit of airt and pairt of the away-taking of and reiſing of Margret Hammiltoune, dochter to Johnne Hammiltoune of Auchnaglene, furth of Johnne Weiris hous of Dargavill.

Perſewaris.	Preloquitouris for the pannell.
Johnne Hammiltoune of Auchnaglene,	Mr Thomas Craig,
Mr Williame Hairt, aduocat to our ſouerane lord.	Mr Alexander King.

The ſaid Williame Bannatyne tuik inſtrumentis of his compeirance. Compeirit James Reid, Conſtabill of the Caſtell of Edinburgh, and tuik inſtrumentis that he had preſentit Williame Bannatyne of Corhous before my Lord Juſtice, and enterit him on pannell, conforme to the Warrand direct be the Lordis of Counſall to that effect.—The ſaid day comperit Mr James Hammiltoune of Caudor and Williame H. of Hillis and James H. of Bardowie ȝounger, and tuik inſtrumentis of the production of our ſouerane lordis (letteris) dewlie execute,

purcheſt be Johnne Hammiltoune of Auchnaglene for ſummonding of ane Aſſyiſe to Williame Bannatyne of Corhous.—As alſo comperit Johnne Hammiltoune of Auchnaglene, and inſiſtit in perſuit of Williame Bannatyne of Corhous, and thairvpoune tuik inſtrumentis.—The ſaid Williame Bannatyne of Corhous tuik inſtrumentis, that Williame Hammiltoune of Auchnaglene, being deſyrit to ſweir the Dittay gewin in aganis him, declarit, he wes ſa informit, be brute,[1] that he did the ſamin; bot he wald nocht tak it vpoun his conſcience that the ſamin wes trew done be him.

The perſewar and the aduocatt proteſtit for Errour, in caiſe thay Acquyte the ſaid Williame Bannatyne.

Dittay *against Williame Bannatyne of Corhous.*[2]

Forsamekill as the ſaid Johnne Hammiltoune haiſing placeit Margret Hammiltoune his dochter, ane bairne of ten ȝeir auld or þairby, with Johnne Weir in Dargavill, hir moder-brother, to haif bene educat and brocht vp be him, vntill hir lauchfull and perfyte age; lipaing that nane fould haif interruptit hir educatioune and vpbringing, or attempted ony violence or iniurie aganis hir; nochtwithſtanding quhairof, it is of veritie, that Williame Cwninghame tutour of Boningtoune, accumpaneit with certane bretherene and feruandis of Williame Bannatyne of Corhous, mountit vpoun the ſaid Williamis awin hors, be his ſpeciall cauſing, directioune, ſending and hounding out, all bodin in feir of weir, with vnlauchfull and foirbidin wappinnis, come vpoun þe xxviij day or þairby of March laſtbypaſt, vnder ſylence and cloud of nycht, to þe ſaid Johnne Weiris duelling-hous of Dargavill, lyand within þe ſherefdome of Lanark, and violentlie enterit þairin; fyrſt, ſchamefullie and vnhoneſtlie perſewit the ſaid Johnne Weir of his lyffe, reft his purs fra him, quhairin thair wes ane grit quantitie of gold and ſiluer, hurt and woundit him in diuers pairtis of his body, and left him lyand for deid; and thaireftir, violentlie tuik the ſaid Margret away with þame, fyrſt to þe place of þe Corhous, quhair ſche wes reſſauit and kepit all that nycht, be þe knawledge, allowance and privitie of þe ſaid Williame Bannatyne, and þaireftir, be his directioune, convoyit hir away to ſum pairtis of þe Bordour, quhair ſche wes kepit and detenit: The away-takeris of hir remaning continewallie ſenſyne in hous and cumpany with the ſaid Laird of Corhous; quha intendit, in hir minoritie, to move hir to ſindrie purpoſſis, altogidder to hir diſadvantage.

Wes putt to the knawledge of ane Aſſyis, and in thair preſens, wes accuſit be Dittay of the crymes aboue writtin; quha denyit the ſamin ſtraitlie.

Verdict. Eftir the quhilk accuſatioune, thay paſt altogidder furth of Court (to) ane ſecreit place in the eird of the ſaid Tolbuith, quhair thay convenit and chuſe Robert Scott of Thirlſtane chancillar, and eftir cheſing of him paſt to voting vpoun the pointis of the Dittay foirſaid; and being reſoluit thairwith re-enterit agane in Court, quhair thay, be the mouth of the ſaid chancillar, ſſand,

[1] Fr. *Bruit*, report, rumour. [2] This crime affords a striking picture of the times; which, by reference to the Criminal Records, will be found one of very frequent occurrence. Heiresses were forcibly carried off by some powerful Baron or Laird, who had perhaps been disappointed in effecting a marriage for themselves or sons, by fair means. A fitting opportunity was watched, and the young lady relieved of the tediousness of courtship, by getting a priest on the other side of the Border to marry them 'out of hand.' Abductions were also common on the part of relations, competing for the guardianship of the heiress.

pronunceit and declarit the ſaid Williame Bannatyne of Corhous to be clene, innocent and acquit of the crymes aboue writtin.

Umbesetting the High way—Hurting and Wounding, &c.

Jul. 7.—Thomas Ewing at the Mylne of Ogilvie.

Dilaitit of airt and pairt of the hurting and wounding of Williame Broun in Nether Baddinhaith, in diuerſe pairtis of his body, to the effuſioun of his blude in grit quantitie; be gewing of him of ſaxtene bludie woundis in the body, be way of murthour, vnder ſylence of nycht; committit in the moneth of Auguſt laſtbypaſt.

Perſewaris.
Williame Broune in Nether Baddinhaith,
Mr Thomas Hammiltoun, (King's Advocate).

Preloquitour for the pannell.
Mr Johnne Moncreif.

The ſaid Williame Broun produceit the lettres aganis the ſaid Thomas Ewing, dewlie execute and indorſat, and tuik inſtrumentis thairvpoune.—The Aduocat produceit his hienes Warrand, ordaining him to inſiſt in perſuit of Thomas Ewing. —The perſewaris aſkis inſtrumentis that the ſaid Williame aſkit inſtrumentis.

The perſewaris (pannell?) alledgis, that the lybell is irrelevant foundit; becaus that nather ſlauchter nor mutilatioun followit thairvpoun; and it appertenis to the ſhereff.—The aduocat anſueris, that the alledgeance aucht to be repellit, becaus the defender is nocht perſewit vpoune ane intendit murthour, vpoune foirthocht fellony vnder ſylence of nycht, *quodquidem consilium homicidij cogitati, per industriam et insidias peruenit ad actum;* quhilkis qualiteis being conjoynit, makis the lybell relevant.—The perſewar (pannell?) anſueris, *non est crimen lese maiestatis et nihil peruenit ad actum.*—The aduocat alledgis, that the alledgance aucht to be repellit, in reſpect of the lybell.

The Juſtice ffindis the lybell relevant.

Verdict. The Aſſyſe, for the maiſt pairt, Acquit the ſaid Thomas Ewing; fforſamekill as he, vpoun the xxvj day of Auguſt laſtbypaſt, accumpaneit with Williame Ewing his brother, vnder ſylence and cloud of nycht, vmbeſett the hie way and paſſage to Williame Broun in Nether Baddinhaith, vnder ſylence of nycht, be way of Murthour and Brigancie, vpoun the croft of his Landis of Nether Banhaith; and thair, with ſwordis and quhingaris, crewallie invadit him for his ſlauchter and murthour, hurt and woundit him thairwith, be gewing of him of ſaxtene bludie woundis in the heid, and diuerſe vtheris pairtis of his body, to the effuſioun of his blude in grit quantitie; vpoun ſett purpois, proviſioun and foirthocht fellony; and for caſting of him be the heillis in ane burne callit the Stankburne, belewand he wes deid, of purpois to haif drownit him. Pronunceit be the mouth of Nicoll Towart (in Blakfurd), Chancillar (of the ſaid Aſſyſe).

Hurting and Wounding—Theft, &c.

Jul. 28.—Hary Auchincraw, in Fowldene.

Dilatit of airt and pairt of the thifteous fteling of ane lokit gold and filuer bag, fra Robert Gray, merchand burges of Edinburgh, togidder (with) lxxxxij fyve pound pecis, fyve four pownd pecis, thre dowbill . . . . . duikatis, thre dowbill crofe duikettis, fyve auld roif-nobillis, fyve fouerane angellis, thre dowbill myllrais, v lib. Scottis filuer; committit in Apryll 1594.

It is allegeit be the faid Hary Auchincraw, that na continewatioun aucht to be grantit this day, becaus all Juftice courtis ar peremptour; lykeas he being fummond to this day, he comperit perfonallie, offering him reddie to abyde ane tryell; quhairvpoun fyftene perfonis of Inqueift ar callit, reffauit and admittit; fwa that thair being na alledgeance maid be the partie, nor na vthir lauchful impediment proponit in the contrar, this proces can nocht be delayit, feing he can nocht be obleift to find cautione; and quhidder he be acquit or fylit, he aucht nocht to find cautioun, feing he is prefent within the bar.

The Aduocat allegis that the Juftice mycht continew the mater to the morne.

The Juftice continewis to the morne. 'Plegio Bernardo Borthuik de Collielaw—pena V^c mark.'

Jul. 29.—['Dilatit of fetting vpoun Robert Gray, merchand burges of Edinburgh, and hurting of him in diuerfe pairtis of his body: and for the thifteous fteiling fra him of certane gold and filuer.'] The faid Hary Auchincraw comperand, defyrit the Affyife to be callit quha wes admittit 3ifterday; and offerit him reddie to vnderly the law, for the cryme aboue writtin, and defyrit the Juftice to put him to the faid Affyife; quhairvpoun he afkit inftrumentis. The partie on pannell takis inftrumentis of his offer to vnderly the law, and diffaffenting to all continewatioune; and proteftit that he be nocht continewit, in (virtue) of his oft comperance in the mater, at twa feuerall dyettis of befoir. The pannell proteftit, that in refpect Robert Gray being within the bar, as alfo Mr Williame Hairt, aduocat, his perfewaris being prefent and refufit to perfew, that na lettres be grantit in tyme cuming.

The Juftice continewis to gif anfuer the morne. 'Desert, in refpect Robert Gray comperit nocht to perfew, nor the aduocat.'

Slaughter of a Messenger at Arms.

Jul. 29.—Patrik Barclay of Towie.

Dilatit of airt and pairt of the flauchter of vmq^le Williame Mure, meffinger in Deir; committit in the moneth of Februar laftbypaft.

Persewaris, Janet Keyth relict, Mr Williame Mure as fone, Mr Williame Hairt (King's Advocate.)
Preloquitouris for the Pannell, Mr Johnne Schairp, Mr James Donaldfoun.

The purſewaris tuik inſtrumentis of productioun of the lettres aganis Patrik Barclay of Towie, and proteſtit for relief of thair cautioneris.

The ſaid Mr Williame Mure produceit the Kingis Maieſteis Warrand, ordaining the mater perſewit, aganis Patrik Barclay of Towie, to be continewit to the nynt of Auguſt nixtocum.

The Juſtice Continewis the actioun to the morne, to be auyiſit with the Counſall. 'Plegio, Magiſtro de Elphinſtoune.'

His Maieſties Warrand.

Rex,

Justice, Juſtice clerk and ȝour deputis, We greit ȝow weill. Forſamekill as our vtheris lettres ar purcheſt, att þe inſtance of þe relict, bairnis, kyn and freindis of vmqle Williame Mure, meſſinger in Deir, for calling of Patrik Barclay of Towie before ȝow, in our Tolbuith of Edinburghe, the xxix day of July inſtant, to vnderly our lawis, ffor airt and pairt of þe ſlauchter of þe ſaid vmqle Williame Mure: As alſo, our vtheris lettres ar direct for calling of diuerſe perſonis, ſeruandis to þe Lady Erroll, to compeir before ȝow in þe Tolbuith of Edinburghe, the xxix day of July inſtant, to vnderly our lawis ffor airt and pairt of þe ſlauchter of þe ſaid vmqle Williame Mure: As alſo, our vtheris lettres ar direct for calling of diuerſe perſonis, ſeruandis to þe Lady Erroll, to compeir before ȝow, in the Tolbuith of Edinburghe, the nynt day of Auguſt nixtocum, to vnderly the law, ffor þe taking of Williame Keyth of Ludquhairne, and vtheris crymes contenit in þe ſaidis lettres: And haiſing conſideratioune, that þe ſlauchter of þe ſaid Williame Mure fell out, vpoun þe taking of þe ſaid Williame Keyth, and executione of our vtheris Letteris, aganis þe perſonis committeris þairof; for eſchewing of þe trubling of ane Aſſyſe, quha ar to be ſummond vpoune bayth the ſaidis crymes, We haif thocht it guid to continew the dyet, for þe ſlauchter of þe ſaid vmqle Williame Mure, to þe ſaid nynt day of Auguſt nixtocum, to þe effect the perſonis of Aſſyis be nocht putt to þe dowhill travell. Thairfoir, and for diuerſe vtheris conſideratiounis moving ws, it is our will, and We command ȝow, that incontinent eſtir þe ſycht hereof, ȝe continew þe perſuit of þe lettres purcheſt aganis þe ſaid Patrik Barclay of Towie, for þe Slauchter of þe ſaid vmqle Williame Mure, to þe nynt day of Auguſt nixtocum; ſwa that þe crymis contenit in aþr of þe lettres may be tryit be ane Aſſyis: And tak ſufficient cautioun for þe entrie of þe ſaid Patrik Barclay, þe ſaid day: Quhairanent thir preſentis ſalbe to ȝow ane warrand. Subſcryuit with our hand, att Dunfermling, the xxix day of July, 1598.

(Sic ſubſcribitur) JAMES R.

(Jul. 30.)—The Aduocat takis inſtrumentis of the productioun of ane Warrand of the Counſall, and deſyrit the ſamin to be ingroſt. The pannell takis inſtrumentis, that the parteis, being oft tymes callit, comperit nocht. The Aduocat paſt fra the pairt of the ſummondis bering Treſſoune.

Assisa.

Andro Reid of Collieſtoune,	Patrik Leaſk of Haddo,	Sir George Ogilvie of Dunlugous,
Alexr Blakhall of that Ilk,	Mr Alexander Innes,	Williame Forbes of Corſindae,
Patrik Chene of Effilmont,	Thomas Leaſk of Auchinad,	Williame Leaſk of that Ilk,
Alexr Wod of Colpnay,	Archibald Bruce of Pitfowlis,	Abraham Forbes of Blaktoun,
James Chene of Straloch,	Robert Drummond of Drill,	Robert Innes of Coitis.

The Aſſyſe, be pluralitie of vocis, cheſe Sir George Ogilvie of Dunlugus (Chancellor.)

Verdict.—The Aſſyis, in ane voce, Acquyte Patrik Barclay of Towie of airt and pairt of the ſlauchter of vmq^te Williame Mure, Meſſinger; committit be Patrik Cantlie, than his ſeruand, of the ſpeciall cauſing, hounding, ſending, directing, command, aſſiſtance and ratihabitatioun of the ſaid Patrik, in the moneth of Februar laſtbypaſt, vpoun ſett purpois, prouiſione and foirthocht fellony.

The quhilk day comperit Patrik Barclay of Towie and produceit ane Warrand delyuerit be the Counſall, and deſyrit the Juſtice and the Aduocat to inſiſt in perſuit, according to the tennour thairof; quhilk the Aduocat deſyrit to be inſert in proces, quhairof the tennour followis.

My lordis of Privie Counſall, vnto ȝour ll. huimlie menis and ſchawis I ȝour ſeruitour, Patrik Barclay of Towie, That quhaire, Jouet Keyth, þe relict, with þe bairnis and freindis of vmq^le Williame Mure, meſſinger, within þe ſherefdome of Abirdene, being ſterit vp, movit and perſwadit be þe inſtigatioun of ſum of my vnfreindis, hes nocht only now, but att diuers tymes ofbefore, vpoun þair wrangus narratioune, purcheſt Lettres and þairwith cauſit chairge me to vnderly þe law, for þe alledgeit airt and pairt of þe ſlauchter of þe ſaid vmq^le Williame Mure, meſſinger, committit be Patrik Cantlie, my alledgeit ſeruand, vpoune the ſaxtene day of Februar laſtbypaſt, 1595, the ſaid vmq^le meſſinger thane being in executioune of his office, &c. According to þe quhilkis Lettres and chargeis, I, þe ſaid Patrik Barclay, being alluterlie innocent of þe ſaid cryme, fand cautioun and ſouertie, in dew tyme, att ewerie chairge, to haif vnderlyne þe law for þe ſamin, to diuerſe dayes bypaſt; and att laſt, to þe xxix day of Julij inſtant, before the Juſtice (and) his deputis; and comperit perſonalie att all þe ſaid dyettis bygane, as I did this day before the ſaid Juſtice, offering me reddie to vnderly þe law for þe ſaid cryme, þair being ſufficient number of Inqueiſt ſummond and comperand att ewerie day to compeir þairvpoune: As the Juſtice, deputis and clarkis, with the actes takin þairvpoun will teſtifie: Newirþeles, the ſaidis perſewaris, or raþ^r my inimeis, quha ſteirit þame vp þairto, hes att diuers tymis bygane purcheſt Lettres ſubſcryuit be our ſouerane lord, direct to þe Juſtice and his deputis, to continew þe dyettis quhairvnto I wes chargeit in þe ſaid mater; and namelie, this day hes procureit and produceit his Maieſteis Letter vnder his ſubſcriptioune, vpoun ſuniſter narratioune, to continew the ſamen vnto þe nyut day of Auguſt nixtocum; to þe quhilk continewatioun I diſſentit, and offerit me reddie, preſentlie, as I do ȝit, to vnderly þe lawis for þe ſaid crymes, quhairof I am innocent. And ſeing the Juſtice depute hes continewit his Interloqwitour to be gewin þairvpoun quhill the morne, and is to tak ȝour ll. aduiſe, quhidder he ſall proceid or nocht, nochtwithſtanding the ſaid privie letter of continewatioune; and that it is alſo of veritie that I and my freindis, with the perſonnes of Inqueiſt, hes bene put to gret trubellis and expenſis now and ofbefore, in keiping of all þe dyettis in þe ſaid mater, alſweill principall as continewatioune, purcheſt be þe perſewaris and my vnfreindis; and that thair intentioun is to trubill me and my freindis þairby, in cuming heir fyue ſcoir of myles att ilk dyet, and in waiſting our rentis and ſubſtance in attending þairvpoune: And that the ſaid ſlauchter wes only committit be þe ſaid Patrick Cantlie, vpoun ane particuler quarrell and feid betuix him and the ſaid vmq^le William Mure, quhairof I wes newir participant, airt nor pairt. Heirfoir I beſeik ȝour ll. to tak ſic ordour in þe premiſſis, that I and my freindis ſall nocht be trublet to keip ony forder dyettis in þe ſaid mater, bot that proces may be grantit and followit out þairintill the morne, bot forder delay; and to that effect, to caus the parteis perſewaris, being heir preſent, and oure ſouerane lordis Aduocat, to ſummond and haif reddie ane Aſſyſe to paſs vpoun ſamekill of þe ſaidis Lettres as ſalbe fund relevant; quhairvnto I am willing to anſuer inſtantlie, as I wes att all dyettis ofbefore, hot ony forder delay: And ȝour ll. anſuer huimblie I requyre.

(Sic ſubſcribitur in dorſo,) Apud Edinburghe, xxix Julij, J^m.V^c.lxxxxvj. The Lordis of Secreit Counſall Ordanis the Juſtice, Juſtice Clark and þair deputis, to proceid and miniſter juſtice vpoun þe complainer within writtin, the morne, but forder delay or continewatioune; conforme to þe lawis of þis realme: And that the Aduocat inſiſt in þe perſuit of him; as thay will anſuer to his Maieſtie and þe ſaidis Lordis þairvpoun.

(Sic ſubſcribitur) BLANTYRE. M. R. ȝOUNG.

The ſamin day, Jonet Keyth the relict, and Mr Williame Mure as ſone, with the kyn and freindis of vmq^le Williame Mure meſſingir in Deir, being oft tymis callit to inſiſt in perſuit of the ſaid Patrik Barclay of Towie for the ſaid ſlauchter, the lauchfull tyme of day biddin and nocht comperand; the Juſtice ordenit Mr Williame Hairt Aduocat to compeir and inſiſt in perſuit, quha comperit and produceit ane roll of Aſſyſe of the perſonis aboue writtin.

The ſamin day, Patrik Barclay of Towie, being enterit on pannell, as ſummond be vertew of our ſouerane lordis lettres, purcheſt att the inſtance of Jonet Keyth the relict, with the bairnis and remanent kyn and freindis of vmq^le William Mure meſſinger, and being perſewit be Mr Williame Hairt aduocat, indytit and accuſit:

DITTAY *against Patrick Barclay of Towie.*

FORSAMEKILL as Williame Keyth of Ludquharne, Alexander Keyth his ſone and Mr Samuell Keyth his broþer ſone and our ſouerane lordis aduocattis, haiſing raſet his hienes letters att þair inſtance, for chargeing of þe ſaid Patrick Barclay of Towie and Patrick Cantlie his ſeruand, now rebell and att þe horne, for þe caus and cryme vnderwrittin, to haif fand ſouirtie that thay ſould haif comperit before þe Juſtice or his deputis in þe Tolbuith of Edinburgh, att ane certane dyett ſpeciallie contenit þairin, for certane haynous and treſſonabill crymis contenit in þe ſamin; thay directit þe ſaidis lettres to þe ſaid vmq^le Wm Mure meſſingir, for putting of þe ſamin to due execution; quha haiſing reſſauit the ſamin, vpoun þe xvj day of Februar laſtbypaſt, he paſt be vertew þairof, vpoun þe ſamin day, to þe place of Towie, quhair the ſaid Patrik Barclay wes preſent for þe tyme; and becaus he could nocht apprehend his perſonall preſens, he chargeit him þairatt; and ſiclyke chargeit the ſaid Patrik Cantlie rebell perſonallie, foirnent þe ȝett of þe ſaid place and delyuerit him ane copie. Eftir þe quhilk charge, the ſaid Patrik Cantlie paſt in fra þe ſaid meſſingar to þe place of Towie, to the ſaid Patrik Barclay his maiſter; and eftir he had ſpokin with him, and had gottin directioun fra him, to þe effect vnderwrittin, perſaiſing the ſaid Wm Mure meſſingir to be paſt away, he come furth vpoun the ſaid Laird of Toweis beſt hors, followit the ſaid vmq^le Wm Mure on horſbak, as he was rydand away in ſobir and quyet maner, to put þe ſaidis lettres to forder executioune vpoune vtheris þairin ſpecifeit, dredand na ewill, harme, iniurie or perſuit of ony perſoune, bot to haif lewit vnder Godis peax and our ſouerane lordis; in reſpect he wes in executioun of his office, and preſentit our ſouerane lordis perſoun, till þe place and landis of . . . . . ., quhair he overtuik the ſaid vmq^le Wm Mure; and þair, the ſaid Patrik Cantlie, of þe ſpeciall cauſing, hounding, ſending, directing, counſaling, reſetting agane with þe bludie hand, airt, pairt-taking, command, aſſiſtance and ratihabitioun of þe ſaid Patrik Barclay his maiſter, ſett vpoune him and maiſt crewallie and awfullie, fyrſt with ane drawin ſword, ſtrak the ſaid vmq^le Wm Mure in þe bak, to the effuſioune of his blude in grit quantitie; and paireſtir, with ane piſtolet chargeit with bullett, ſchot the ſaid vmq^le W^m throw þe body, and maiſt ſchamefullie and crewallie ſlew him þairwith: Eftir þe quhilk ſlauchter, he immediatelie þaireſtir returnit agane to the ſaid place of Towie, quhair the ſaid Patrik Barclay of Towie reſſauit him, with þe hett bludie hand: And

ſwa, the ſaid Patrik Barclay of Towie is airt and pairt of þe crewall ſlauchter of þe ſaid vmq^le^ Wm Mure meſſinger, committit in þe executioune of his office, vpoune ſett purpois, proviſioune and foirthocht fellony, in hie and manifeſt contemptioune of our ſouerane lordis authoritie and lawis.

Verdict. The Aſſyiſe, be mouth of the ſaid Mr George Ogilvy of Dunlowgus knycht, chancillar, ſſand, pronunceit and declarit the ſaid Patrik Barclay of Towie to be cleane, innocent, and acquit of airt and pairt of the ſlauchter of the ſaid vmq^le^ Williame Mure meſſinger; committit in the maner foirſaid.—Quhairvpoune he aſkit actis and inſtrumentis.

Uttering calumnious speeches and slanders against the King.

Aug. 3.—Johnne Dikſoun in Lyne, Inglifman.

Dilatit for contravening of the Actis of Parliament, in vtering of Calumnious ſpeichis and ſklanderis aganis our ſouerane lord, and calling of him 'ane baſtard,' &c.

The aduocat (Mr Thomas Hammiltoune) produceit the Depoſitiounis of certane witneſſis; and proteſtit for Wilfull Errour, in caiſe thay clange.

The Aſſyſe tuik inſtrumentis, that Johnne Dikſoun come in his Maieſteis will, for ony ſpeich he ſpak aganis his hienes, quhilk wes in his drukinnes.

Verdict. The Aſſyſe, be the mouth of Robert Smyth (merchand in Edinburgh) chancillar, ſſand, pronunceit and declarit Johnne Dikſoun, Inglifman, in Lyn, to be ſſylit, culpable and convict, for contravening of our ſouerane lordis Actis of Parliament; and ſpeciallie, of ane Act maid be his hienes, in anno 1584, and in anno 1585, rateifeit be ane Act maid in anno 1594; in ſamekill, that vpoun the xxv day of Julij laſtbypaſt, being the Sabbath day, Archebauld Gairdenar, ane of his Maieſteis cannoneiris, haiſing requyrit the ſaid Johnne Dikſoun to vyre his boit[1] to gif place to his Maieſteis ordinance; he fyrſt anſuerit, that 'he wald nocht vyre his boit for King or Kaſard;' and thairefter, maiſt proudlie, arrogantlie, ſklanderouſlie and calumniouſlie callit his Maieſtie 'ane baſtard King;' and that 'he wes nocht wordie to be obeyit.'

Sentence. The Juſtice depute, be the mouth of Williame Gray dempſtar, ordenit the ſaid Johnne Dikſoune to be tane to ane gibet, ſtandand beneth the mercat croce of Edinburgh, and thairvpoun to be hangit quhill he be deid,[2] &c.

Uttering and vending base coin.

Aug. 6.—Alexander Kelman in Garuiocht, and Williame Gairdin ſone to Wm G., ſone to Robert G. in Culroiſe.

Verdict. Fand to be fylit, culpabill and convict of the outputting of falſe

[1] Veer his boat. [2] See the Cases of Tennent, Oct. 10, 1600; Cornuall, Apr. 25, 1601; and Ross, who was executed on Sept. 10, 1618.

and adulterit coinage of the patren of ten-ſhilling-pecis, to the ſimilitude of our ſouerane lordis trew coinzie, to ſindrie perſounes.

SENTENCE. The Juſtice, be the mouth of Johnne Niſbet dempſtar, ordenit the ſaidis Alexander Kelman and Williame Gairdin to be tane to ane gybbet, vnder the mercat croce of Edinburgh, and thair hangit quhill thai be deid; and all thair guidis to be eſcheit.

Horse-stealing—Theft, &c.

Aug. 6.—SYMONE MOFFET in the Ryneclewis.

Dilatit and fylit for the thifteous ſteling of xxx naigis (horſes) and meris; and alſe of ane cloik, ane hairt of ſiluer owrgilt, ane woux,[1] ane Camrige owrla,[2] &c.; committit in Junij laſt; and of Common Thift.

SENTENCE. To be hangit quhill he be deid, vpoun the ſaid Gibbet; and all his movabill guidis to be eſcheit.

Slaughter.

Aug 7.—GYLBERT PACOK, ſeruitour to the Maiſter of Orknay.

Dilatit of airt and pairt of (the ſlaughter of) vmq^le Hary Colvile (Perſoun of Vrquhart); committit the nynt of Julij laſtwas.

PERSEWARIS, James Merſar as brothir, James Coluile brothir ſone, Mr Thomas Hammiltoune.

PRELOCUTOURIS for the pannell, Mr Rychard Spens, George Abirnethie.

The perſewaris produceit the Dittay aganis Gylbert Pacok, for the ſlauchter of vmq^le Hary Coluile Perſoun of Vrquhart, and deſyrit proces.

The pannell alledgis, that na proces can be led agane the ſaid Gylbert this day, be reaſoun he is nather tane *in flagranti crimine*, quhairof he is innocent; nor yit *contumax*, nor denunceit for ane crime; and ſwa, be the cuſtum of the Court and Act of Parliament, he aucht to be ſummond vpoun xv dayes wairning. This wes decydit betuix Maidland and Crowner Preſtounis brether, in this ſamin Juſtice Court, and in all vtheris perſounes, quha wes preſentit on this forme, on pannell: In reſpect quhairof, na proces can be had agane the defender, vnto the tyme he be ſummond vpoun xv dayes wairning.—The Aduocat anſuerit, that the alledgeance aucht to be repellit, becaus the defender in effect wes tane *in flagranti crimine;* inſafar as he, haiſing committit ſlauchter contenit in his dittay, the complent thairof being maid to his Maieſtie, he directit his Commiſſioun for taking of him; be vertew quhairof, he wes apprehendit, and now preſentit to Juſtice. As to the practik alledgeit betuix Crowner[3] Preſtounis breder and Maidland, it can nawayis militat in this cais, becaus Maidland wes accuſit for ane cryme committit in Flanderis, mair nor ane yeir eftir the com-

[1] Watch. [2] Cambric overlay, a sort of ruff. [3] Colonel.

mitting thairof; and this man is apprehendit incontinent, fa fone as the cryme come to his Maiefteis knawlege, and fa fone as his hienes Commiffioun could tak effect. As to the defenderis alledgeance of his innocence, it is mair propper to be tryit be ane Affyfe nor[1] to be credite for his affirmatioun.—It is anfuerit (replied), that the alledgeance ftandis relevant, nochtwithftanding the anfuer maid be the Aduocat and his lordfchipis informeris, for heir I am vpoun the proceife caftin of the Juftice Court and Act of Parliament, the wordis quhairof admittis na extentioune nor interpretatioun, being ft . . . .;[2] and the Act preceiflie beris, that ane partie nocht apprehendit *in flagranti*, quhilk is *in ipso delicto*, falbe wairnit vpoun xv dayes wairning; the cuftum of the Court, fwa vniuerfallie obferuit, thair is newir ane word *ex incontinente* contenit in the haill Act. As to the Kingis Commiffioune, direct for apprehenfioun of the man, the forme of the Commiffioun ftandis according to the cuftum of Commoun law and practik, quhilk is but[3] preiudice of the parteis lauchfull defenffis; fwa that nowther the directing of the Commiffioun, nor apprehenfioun of me, be vertew thairof hurtis me in my lauchfull defenffis; and the priviledge is grantit to me, be his hienes lawis: And albeit, I haif the priviledge vpoun xv dayes wairning, be his hienes lawis, yitt that all occafioune of giltienes may be tane away, and that I wes maift innocent of the fact and cryme quhairvpoune I am to be accufit, defyring alwyis[4] to haif the gyft of his hienes lawis, I eam in the countrey, and remanit in the countrey, nocht being fugitiue, and to abyde his hienes lawis, according to the lawis of the countrey: In refpect quhairof, my alledgeance ftandis relewant.—The Aduocat acceptis the alledgeance *in quantum*, and thairby inferrit ane vehement prefumptioun agane the defender of giltienes, in refpect he refuffis to abyde ane tryell of the cryme prefentlie laid to his chairge; and forder, repetis the maner of his taking contenit in the fyrft anfuer, and referis to the Judge.

The Juftice ffindis, nochtwithftanding of the faid defenderis alledgeance, that the mater aucht to pafs to the knawledge of ane Affyfe.

Allegeis, that *James Stewart of Gramsly* can nocht pafs vpoun his Affyfe, becaus he is brother to my Lord of Orknay; becaus my Lord of Orknay is perfewar, and hes gewin informatioun bayth to the Aduocat and vtheris, for perfuit of the matter.—James Stewart repellit, becaus he gaif partiall counfall.—*Henrie Sinclair of Loquhoy* repellit, for partiall counfall.—*Eduard Scolay* repellit, for partiall counfall.

The Aduocat, for inftructioun of the Affyfe, produceit his Depofitiounis.

The faid Gylbert tuik inftrumentis (that) he revokit his Depofitiounis.

Verdict. The Affyis (thirteen in number) being fworne and admittit vpoun

[1] Than. [2] This word is obliterated in the Record. [3] Without. [4] Nevertheless.

the Aſſyſe of Gylbert Pacok, removit furth of Court to the Counſalhous and votit vpoun the poynt of the Dittay, eftir cheſing of James Maiſtertoun (Merchand in Edinburgh) chancillar, and being throwchlie auiſit thairwith, ffand, pronunceit and declarit the ſaid Gylbert to be ffylit, culpabill and convict of airt and pairt, red and counſall of airt and pairt of the ſlauchtir of vmq^le Hary Coluile; committit the nynt of Julij laſtbypaſt.

SENTENCE. To be tane to the mercat croce of Edinburgh, and thair his heid to be ſtrikin fra his body; and all his movables eſcheate and inbrocht.

Hamesucken—Assieging House of Ludquhairn—Taking captive, &c.

Aug. 9.—WILLIAME MOWAT in Turreyf, (ſeruand to Alexander Hay eldeſt ſone to vmq^le Andro Erll of Erroll).

Dilatit for cuming with convocatioun of our ſouerane lordis lieges, bodin in weirlike maner, with lang culveringis, dagis and piſtolettis, &c., contrar the tennour of the Actis of Parliament, be way of Hameſuckin, to the place of Ludquhairne, and aſſeigeing of Williame Keyth of Ludquharne thairin; entering thairin be force, taking of him captiue and priſoner:—And for maiſterfull Reiſing and away-taking, furth of the ſaid place of Ludquhairne, of the ſaid Williamis haill inſycht pleneiſſing and writtis: And tranſpoirting and careing of the ſaid Williame Keyth of Ludquharne captiue and priſoner to the place of Ardmakhorne; quhair thay detenit him, be the ſpace of aucht dayes or thairby; vſurpand thairby of our ſouerane lordis authoritie vpoune thame; committit in the moneth of October laſtbypaſt.

PERSEWARIS.

Williame Keyth of Ludquharne, Mr Thomas Hamiltoune of Drumcarne aduocat to our ſouerane lord.

The Aduocat produceit ane command of the Kingis Maieſtie, ſubſcryuit with his hand, with ane vthir Warrand ſubſcryuit be the Lordis of Seſſioune, commanding the Juſtice to proceid and miniſter juſtice in the ſaid mater, quhairof the tenouris follow.

REX,

JUSTICE, Juſtice Clark and ȝour deputis, We greit ȝow weill. It is our will, and we command ȝow, þat vpoun þe ſycht heirof, ȝe faill nocht to proceid and miniſter juſtice, in þe criminall caus to be perſewit before ȝow, att þe inſtance of þe Laird of Ludquharne and our Aduocattis for our interes, aganis certane perſonis contenit in þe Lettres raiſit þairanent, for þe taking of þe ſaid Laird, and vtheris crymes ſpeciallie expreſſit þairin, vpoun þe nynt day of Auguſt inſtant; but all forder continewatioun or delay; nochtwithſtanding of quhatſumewir vthir command, Warrand or objectioune, maid or to be maid, gewin or to be gewin in þe contrar; anent þe quhilkis and panis þairin, we diſpens. As ȝe will anſuer to ws, vpoune ȝour offices and obedience: Quhairanent, thir preſentis ſalbe ȝour ſufficient warrand. Subſcryuit with our hand, att Dunfermling, the nynt day of Auguſt, 1596.

(Sic ſubſcribitur,) JAMES R.

Followis the tennour of the Supplication, *and* Warrand *gewin be the Lordis of Seſſioune.*

My Lordis of Counſall, vnto 3our ll. huimlie menis and ſchawis, I 3our ſeruitour, *William Keyth of Ludquharne,* That quhair I haif raſit criminall lettres be 3our ll. delyuerance aganis William Dwikat, (Duiget or Duguid,) Hary Ramſay, Archd. Herring, Robert Creychtoune and Alex. Harvie, ſeruandis to Dame Elizabeth Dowglas Countes of Errol, Alex. Hay eldeſt ſone to vmq^e Andro Erll of Erroll, William Mowat his ſeruand, Patrik Con of Auchry, Alex. Hay in Ardmakhorne, Alex. Hay in Auchquharne, Patrik Cruikſchank in Ardifrie, James Butter in Gaſk, Thomas Hay þair, Johune Hay and Patrik Cantlie, ſeruitour for þe tyme to Patrik Barclay of Towie,[1] Gylbert Stewinſoune in Ogſtoune, Thomas Craigie in Lochcow, Johune Findlater þair, Johune Stewinſoune and Thomas Gybſoun þair, Johune Moſſie þair, Wm. Sym ſmyth in Myltoun of Sorvie, Patrik Sym att þe myhe of Sorvie, Thomas Cruikſchank ſone to Patrik C. in Ardifrie, Patrik Hay in Haddo, Gylbert Gray in Bannatwthill, James Gray þair, Patrik Hay in Over Ardinakhorne; and certane vtheris þair complices, ſpecefeit in þe ſaidis Lettres, for þe crymes and cauſſis þairin containit; quhilkis ar dewlie execute and indorſat vpoun þe foirnameit perſounes, and þay þairby ſummond to compeir before the Juſtice generall and his deputes in þe Tolbuith of Edinburgh, the nynt day of Auguſt inſtant, in þe hour of caus; lykeas I am reddie to perſew the ſaidis lettres. Neuiryeles, as I am informit, Ludouik Duik of Lennox, att þe inſtigatioun and perſwaſioun of þe ſaid parteis, intendis to vſe and produce ane pretendit Commiſſioune of Lietenandrie within þe boundis of þe North, and be vertew þairof, to repledge the ſaidis perſonis fra the ſaid Juſtice generall and his deputis to his juriſdictioune and Court of Juſticiare, to þe grit hinderance of Juſtice; albeit, the ſaid pretendit Commiſſioune aucht nawayis to impeid nor ſtay juſtice, to be miniſtrat to all his Maieſteis lieges, be þe Juſtice generall and his deputis; the ſamin being grantit *cumulatiue,* and nocht *priuatiue:* Lykeas, I am nocht habill to perſew juſtice aganis the foirnameit perſounes in þe North pairtis of þis realme, in reſpect of þe grit multitude of my parteis, and þat þe Laird of Balquhan, Lieutennentis depute, is ſiſter and brepir bairn with þe ſaid Patrik Con of Auchry, ane of þe cheif committeris of þe crymis contenit in þe ſaidis Lettres. Quhilk being conſidderit be his Maieſtie, his hienes hes directit his Warrand to þe Juſtice generall and his deputis, to proceid and miniſter juſtice in þe ſaid mater to ws parteis, nochtwithſtanding þe ſaid pretendit Commiſſioun: As þe ſamin, ſubſcryuit be his Maieſtie, heir preſent to ſchaw, beris. Nochtyeles, þe ſaid Juſtice generall and his deputis refuſis to obey þe ſamin, without þay be compellit. Beſeikand heirfore 3our ll., þat I may haif command to ane maſer or vthir officiar of armes, to paſs and charge þe ſaid Juſtice generall and his deputis, to proceid and miniſter juſtice in þe ſaid mater to ws bayth parteis, as accordis of þe law, nochtwithſtanding of þe ſaid pretendit Commiſſioun of Leutennandrie or Juſticiarie, grantit to þe ſaid Duik of Lennox; or ony vthir Commiſſioun, Letter or previe chairge, purcheſt, or to be purcheſt att his Maieſteis handis, in hinderance of juſtice; and 3our ll. anſuer.

(Sic ſubſcribitur) H. Bikartoune.

(Sic deliberatur) Apud Edinburgh, nono Auguſti, anno lxxxxvj, Fiat vt petitur.

(Sic ſubſcribitur) Blantyre, M. J. Lyndesay, Clericus Regiſtri.

Compeirit Mr Thomas Rollok, procuratour for the Duik, and produceit ane Commiſſioune granted to his lordſchip be his Maieſtie, of the tennour and contentis thairin contenit, of the dait, at Abirdene, the aucht day of Nouember 1594; with ane Act of Secreit Counſall ratifeing the ſamin, of the dait, in December I^m V^c lxxxxiiij yeiris; with lettres directit fra the Kingis Maieſtie and Lordis of Secreit Counſall, of the dait in March laſtwes, diſchargeing the Juſtice and Aduocat to pro-

[1] Vid. Trial of Barclay of Towie, (viz. Tollie or Tolly,) Jul. 29, 1596.

ceid aganis quhatſumeuir perſonis duelland within the boundis contenit in the Dukis Commiſſioun, within the quhilk the ſaidis haill perſonis callit to this day, for the taking of the Laird of Ludquhairne, duell: And lykewayis tuik inſtrumentis, that the Juſtice wes diſchargeit to proceid in the ſaid mater be James Lowrie, meſſinger; and that for all of the ſaidis parteis: And allegeit, that the Juſtice could nawyis proceid, in reſpect of the writtis and diſcharge aboue mentionat, nochtwithſtanding the Kingis Maieſteis previe delyuerance, authoriſit be the Lordis of Seſſioun, quhilkis ar nocht of that ſtrenth and effect as to tak away the ſtrength and effect of the writtes aboue ſpecifeit. The aduocat anſuerit, that the ſaid alledgeance aucht to be repellit, nochtwithſtanding the writtis produceit, quhairvpoun the ſamin is foundit; in reſpect of the Kingis Maieſteis expres Warrand in the contrar, togidder with the delyuerance of the Lordis of Counſall, alreddie produceit be the perſewaris, and of the Judgis notorietie that the Duikis Commiſſioune is diſchargeit and renunceit; lykeas the Warrandis produceit be the perſewaris tendis to the doing of Juſtice, and the vtheris Warrandis, produceit be the ſaid Mr Thomas Rollok, to the delay and hinderance of juſtice; and thairfore aucht nawayis to be reſpectit, and the Judge aucht to proceid and miniſter juſtice nochtwithſtanding thairof.

It is forder allegeit that the Judge can nocht vnlaw the parteis nor thair cautioneris this day, in reſpect thay ar *in bona fide* and mycht juſtlie byde away; this, in reſpect of the Commiſſioun and Lettres of Diſcharge publictlie grantit, and the previe Warrand and delyuerance nather intimat nor declarit to thame, thare wes na neceſſitie to thame to compeir, nor thay can nocht be put thairby *in mala fide*.—The Aduocat anſweris, the alledgeance aucht to be repellit, as nawyis compitent to the proponer, bot onlie to the parteis abſent, quhais contumacie aucht to be pwneiſt for thair nocht compeirance.

The Juſtice ffindis proces, and ordanis the cautiounis fand for thair comperance this day to be vnlawit, &c.

The cautioners are accordingly amerciated as follows: for Patrik Con of Auchry, fyve hundreth markis; for Alex^r Hay in Nether Ardmakhorn, ij^c markis; for Alex^r Hay ſone to vmq^le Andro Erll of Erroll, ij^c markis; and the remainder, in j^c markis each.—And that 'the principall perſounes nocht comperand to be denunceit rebells and put to the horne, and all thair movabill guidis to be eſcheit and inbrocht to our ſouerane lordis vſe, as fugitiues fra the lawes for the crymes aboue writtin.'—Continued to the Air of 'Aberdene, tertio Itineris, xv dierum.'

Theft—Spuilzie.

Aug. 12.—Henry Walker in Elrig and ſeven others.

Dilatit for airt and pairt of the taking of Niniane Thomſoune ſeruitour for

the tyme to Gylbert Pennycuick, brothir to the Laird of Pennycuick; and for that (he) thifteouſlie ſtall, concelit and away tuik fra him ſax hundreth markes money, ane pair of reid ſilk ſchankis,[1] thre pair of worſet ſchankis, twa pair of ſtemming ſokis,[2] aucht ſarkis, xij ruffis of camrige and lanie,[3] ane pair of mwles,[4] ane pair of pantounis,[5] twa pair of marrekyne ſchone;[6] committ the ſecunde day of Nouember 1585.

The perſounis on pannell deſyrit the ſaid Gylbert Pennycuick to gif his ayth *de calumnia*, quhidder he hes guid caus to perſew the dittay or nocht. The ſaid Gylbert anſuerit, that he had guid caus, as he wes informit. Thaireftir the ſaid Gylbert declarit vpoune his knawledge, ſo far as he kennis, thay wer thair.—Thaireftir it wes alledgeit be the pannell that na partie, vpoun informatioun, can be had to perſew in Criminall cauſſis, and ſpeciallie in the actioun of Thift; ſeing Gylbert Pennycuick was nocht actuallie thair him ſelff, bot the guidis and geir alledgeit ſpuilzeit and ſtollin wes tane fra his ſeruand, callit Ninian Thomſoun, as the lybill beris; quha preſentlie nather comperis be him ſelff nor his procuratour to perſew.

'THE Juſtice thaireftir deſertit the matir.'

Murder.

Sept. 17.—JOHNNE CAMPBELL of Arkinglaſe.

Dilatit of airt and pairt of the crewall murthour and ſlauchteris of vmq^le Sir Johnne Campbell of Calder knycht, committit in Februar 1591; and vmq^le . . . . . M^cinturner wechman (watchman) of the place of Taneſtrie, (ſeruitour to Duncan Campbell of Inuerlewir.)

The Juſtice-depute produceit ane Warrand, ſubſcryuit be his Maieſtie; quhairof the tennour followis.

REX,

JUSTICE, Juſtice Clark and ȝour deputis. It is our will, and We command ȝow, þat ye ſit and proceid in þe criminall Lettres raſit att our inſtance and att þe inſtance of our aduocattis aganis Johnne Campbell of Arkinglas, according to þe tennour of þe Lettres raſit þairanent; kepand þir preſentis for ȝour Warrand. Subſcryuit with our hand, at Dunfermling, the xvj of September 1596.

(Sic ſubſcribitur) JAMES R.

The Aduocat produceit ane vther Warrand, direct fra his Maieſtie to him, quhairof the tennour followis.

REX,

ADUOCATTIS, or ony ane of ȝow; It is our will, and We command ȝow, that ȝe perſew and

[1] Stockings. [2] Tamine or taming, Fr. *estamine*, Lat. *stamen*; viz. socks made from prepared flax. [3] Cambrick and lawn. [4] Slippers, usually made of velvet. [5] A sort of slipper, or more probably pattens, being a sort of *clog* having wooden soles, with latchets to tie; they were formerly much worn by people of all ranks in Edinburgh. [6] Shoes made of marekin, (Fr. *marroquin*,) or dressed goatskin. This case is quoted, chiefly on account of this enumeration of apparel.

follow furth the lettres rafit att our inftance and ȝouris aganis Johnne Campbell of Arkinglas, and perfew him according to þe tennour of þe lettres, as ȝe will anfuer to ws vpoune ȝour office; kepand þir prefentis for ȝour warrand. Subfcryuit with our hand, att Dunfermling, þe xvi day of September 1596.

(Sic fubfcribitur) JAMES R.

The faid Laird of Arkinglas takis inftrumentis of his comperance, and proteftit that the Laird of Arncapill his cautioner be fred; as lykwyis proteftit for Alexander Bifchop of Brechin, Sir James Edneftoun of Duntreith knycht, Alex^r Meinȝeis of Weyme, Sir James Skrymgeour of Didvp knycht, Awla M^ccallay of Arncapill, Colene Campbell of Blairnerne and George Balfour of M^ccormaftoune, quha become actit cautiounaris and fouirteis for the faid Johnne Campbell of Arkinglas, vnder the pane of fourtie thowfand pvndis, that he fould compeir before the Juftice or his deputis, the thryd day of the nixt Juftice-air of the Sherefdome quhair he duellis, or foner vpoun fyftene dayes wairnin,g and vndirly the law for airt and pairt, red and counfall of the flauchter and murthouris of vmq^le Sir Johnne Campbell of Calder knycht, and vmq^le . . . . . M^cinturner; that thay and ewerie ane of thame fould be frie and refewit of the faid cautionarie, in refpect of the faid Johnne Campbell of Arkinglas comperance this day, being lauchfullie fummond att the inftance of the Kingis aduocattis, to vnderly the law for the faidis flauchteris; and the haill parteis being dewlie and lauchfullie wairnit to haif comperit this day and place, to haif infiftit in perfuit of him, for the faidis flauchteris.

PERSEWAR, Mr Wm. Hairt, aduocat. PRELOQUITOUR for Arkinglas, Mr Alex. King.

The Juftice continewis the mater to the morne that the King may be fpokin in this mater.

(Sep. 18.)—Continued to the xxiij of Sep. 'Plegio, Domino Arncapill.'

(Sep. 23.)—The famin day, comperit Johnne Campbell of Arkinglas, and offerit him reddie to abyde the tryall of the law, for the alledgeit airt and pairt of the flauchter of vmq^le Sir Johnne Campbell, &c.; and proteftit for releif of the Laird of M^ceawley, his cautioner.

The Juftice, in refpect nane of the kingis aduocattis comperit to perfew him, Defertit the dyet, and ordenit the cautioner of the faid Laird of Arkinglas to be relevit.

Slaughter.

Oct. 14.—JOHNNE MAISTER OF ORKNAY.

Comperit James Merfer as brother to vmq^le Hary Colvile Parfoun of Vrquhart, and produceit our fouerane lordis Lettres, dewlie execute and indorfat and perfewing thairof, purcheft be him felff, to tak fouertie of Johnne Stewart Maifter of Orknay, that he fould haif comperit this day and place, in the hour of caus, and vndirly the law for the alledgeit airt and pairt of the flauchter of the

ſaid vmq^le Hary Colvile; quhairvpoun he aſkit inſtrumentis, and proteſtit for releif, (that) Alexander Maiſter of Elphinſtoune, cautioner for reporting and perſewing of the ſaid Lettres be relewit.

The ſaid James Merſer tuik inſtrumentis, that the Maiſter of Orknay comperit nocht; & proteſtit for proces aganis him & his cautioneris, ſeing the hour is paſt.

Mr Thomas Nicolſoun comperit, and allegeit na proces ſould be deducit againis the Maiſter of Orknay and his cautioneris, ſeing the King and Counſall hes ordenit the mater to be continewit; and that he offerit cautioune for the entrie of the ſaid M^r of Orknay the morne. The ſaid Mr James Mercer allegeis, that thair wes na ordinance produceit of continewatioune; and that na cautioune aucht to be reſſauit, in reſpect the partie comperit nocht nor enterit.

The quhilk day, Hary Commendatour of Sanct-Colmes-Inch and Sir George Elphinſtoun of Blythiſwod knycht, oft tymes callit, as cautioneris and ſouirteis, conjunctlie and ſeuerallie, for Johnne Stewart M^r of Orknay, to haif enterit and preſentit him before our ſouerane Lordis Juſtice or his deputis, the ſaidis day and place, in the houre of caus, to haif vnderlyne the law for the dewyſing and airt and pairt of the ſlauchter of vmq^le Hary Coluile ſervitour to Patrick Erll of Orknay; committit be Adam Gordoune, brother to the Guidman of Auchannaquhy, and diuerſe vtheris his complices, in the moneth of Junij laſtbypaſt; lauchfull time of day biddin and nocht enterand, the ſaid Johnne Maſter of Orknay, as ſaid is, the ſaidis Hary Stewart Commendatar of Sanct-Colmes-Inch and Sir George Elphinſtoune, as cautioneris conjunctlie and ſeuerallie, wer vnlawit for his nocht entrie, in the panis contenit in the Actis of Parliament: Lyke as, the ſaid Jo^n M^r of Orknay wes adingeit to be denunceit our ſouerane lordis rebell and put to the horne; and all his movabill guidis ordenit to be eſcheit and inbrocht to his hienes vſe, as fugitiue fra the lawis of the realme, for the ſaid cryme.[1]

Slaughter.

Oct. 26.—Sir Patrik Bannatyne of Stenhouſe.

James Merſer produceit our ſouerane lordis Lettres dewlie execute and indorſat, purchaſt be him as broder, with the kyn and freindis of vmq^le Hary Coluile Parſoun of Vrquhart, aganis Sir Patrik Bannatyne of Stenhous.

Slaughter.

Oct. 26.—William Bannatyne of Gairſey, and James Lokie, wryter in Edinburgh.

Dilatit of airt and pairt of the ſlauchter of vmq^le Mr Hary Coluile Perſoun of Vrquhart; committit in Junij laſtbypaſt.

[1] On the margin, opposite this last entry, 'This Act, ordanit be his Maties Warrand, to be extinct and deleit.'

DITTAY *againſt Williame Bannatyne of Gairſay and James Lokie.*

FORSAMEKILL as, thay, haiſing conſauit ane deidlie feid, rancour and malice aganis þe ſaid vmq^le Hary Coluile, conſultit, deuyſit and interpryſit his crewall ſlauchter, with Johnne Stewart, brother german to Patrik Erll of Orknay, Adame Gordoune, and diners vtheris þair complicis: Lyke as, the ſaid Adame, accumpaneit with Alex^r Dunbar of . . . . and Thomas Tweddell ſervitour to þe ſaid Wm Bannatyne of Gairſay in Orknay, and diuerſe vtheris þair complices, to the nowmer of xxx perſounes or þairbye, all bodin in feir of weir, in þe moneth of Junij laſtbypaſt, ſchippit in ane ſchip of Dyſart, at Muntrois, and ſaillit to Orknay; quhair þe ſaid Thomas Tweddell paſt aſchoir, to þe ſaid Williame Bannatynis hous of Gairſay, brocht furth of þe ſaid hous victuallis and mwnitioune, with þe quhilk he furneiſt þe ſaid ſchip, and þairefter ſaillit to ȝetland to Burwick and paſt over land to Neip in Neſtrig, quhair þe ſaid vmq^le Hary was for þe tyme, doand þe ſaid Patrik Erle of Orknay, his maiſteris lefull effairis and buſſines, traiſting na ewill, harme, iniurie or perſuit of ony perſonis, but to haif lewit vnder Godis peax and our ſouerane lordis; and þairvpoun, the tuelt day of Julij laſtbypaſt, the ſaidis perſounes maiſt ſchamefullie, crewallie and vnmercifullie ſlew the ſaid vmq^le Hary Coluile; and thay and ilk ane of þame were airt and pairt þairof; the ſamin being committit of þe ſpeciall cauſing, dewyſing, counſaling, hyring, conduceing, command, aſſiſtance and ratehabitioune of þe ſaidis Williame Bannatyne and James Lokie: Lykeas, the ſaid Wm Bannatyne of Gairſay, directit the ſaid Thomas Tuaddell, his ſeruitour, to his place of Gairſay in Orknay, quha eftir coming to þe ſaid place, brocht out munitioun and victuallis to furneis him ſelff and remanent perſounis, committeris of þe ſaid ſlauchter: Committit vpoun ſett purpois, proviſioun, foirthocht fellony, in hie and manifeſt contemptioune of our ſouerane lordis authoritie and lawis, in ewill exampill, &c.

PERSEWARIS.

James Merſer as brother, James Coluile, brother to the Laird of Cleiſch, Mr Jeremie Lyndeſay.

PRELOQUITOURIS for the pannell.

Mr Thomas Bellenden, The Gudeman of Lef . . . ., Mr Johnne Nicolſoune, Mr Thomas Nicolſoune.

The Pannell aſkis inſtrumentis of thair compearance, and proteſtit that thair cautionaris (be releuit.)

The pannell alledgis, that the Lettres of Hoirning ar ewill execute aganis Wm Bannatyne and James Lokie, and ar null in the ſelff; becauſe the defenderis, long before the chairge and executionis thairof, and be the ſpace of ane half yeir preceding the cryme committit, had thair duelling place in Edinburgh, and hes maid thair reſidence thair continewallie ſenſyne; ſwa that the ſaidis chargeis and executiounis, being maid in Orknay, and nocht cumming to thair knawledge, ar altogidder ineffectuall; as alſo the ſaid denunciatioun is null, nocht only for the caus foirſaid, bot alſo becaus the ſaidis defendaris had fund cautioun, actit in the buikis of Adiornall, before the ſaid pretendit denunciatioun: In reſpect quhairof, thay are wranguſlie denunceit for nocht finding of cautioune. The perſewaris alledgis, that the letters of (are) lauchfullie execute, in reſpect thay are execute att thair duelling hous.

THE Juſtice ffindes the Letters of Hoirning null, in reſpect the cautioune wes fund lang befoir the denunciatioun, &c.

The perſewaris produceis the Depoſitiounis of Gylbert Pacock and Williame Stewart, quhair thay deponit aganis William Bannatyne; togidder with ane

Band, ſubſcryuit, betuix Adam Gordoune, Wm Bannatyne and Thomas Tueddell on the ane pairt, and James Lokie on the vther.

The perſounes (on pannell) takis inſtrumentis, that thair is na thing produceit for verificatioun of the Dittay, except the Band produceit, alledgeit ſubſcryuit be the pannell, Adam Gordoun, Thomas Tueddell and the Maiſter of Orknay; and the alledgeit Depoſitiounis of vmq^le Williame Stewart and Gylbert Pacok: And anſuerand to the pretendit Dittay, and verefication thairof, produceit; alledgeis, that the ſaid Dittay is na wyis of veritie, nor ȝit is the ſamin ony wyis verefeit be the writtis produceit; ſpeciallie, ſeing the Dittay is ſett doun with thir circumſtances, that the pannell wes airt and pairt of the ſaid ſlauchter, the ſamin being committit of thair ſpeciall cauſing, dewyſing, conſulting, hyring, conduceing, command, affiſtance and ratihabitioun, and that the ſaid Williame Bannatyne directit the ſaid Thomas Tueddell, his ſeruitour, to his place of Gairſay in Orknay; quhilkis ar the ſubſtanciall pointis of the Dittay, and as thay ar ſett doun conjunctlie in the ſamin; ſa all the ſaidis ſubſtantiall pairtis and everie ane of thame aucht to be cleirlie verefeit and provin, ſpeciallie in reſpect that in all actiounis criminall, *probationes debent esse luce meridiana clariores. L. vltima C. de Probationibus.* And as to the pretendit aſſertioune, contenit in the lybell and in the Dittay, bering that Thomas Tueddell wes ſeruitour to Williame Bannatyne, the contrar thairof is of veritie; ffor it is notourlie knawin that he wes ane officiar of armes, haiſing his awin hous, wyffe and ſamelie; and the Band produceit preiſis manifeſtlie the aſſertioun of the ſaid perſewar, in ſafar as it proportis, that the ſaid Thomas Tuaddell wes ane ſpeciall contraker for him ſelff, alyke principall with all the reſt of the perſounis contenit in the Band; quhairas, gif he had bene the ſaid Williame Bannatynes ſeruand, it is nocht probable that the Maiſter of Orknay wald haif contractit or bandit with ony of the ſaid Williamis ſeruandis, the ſaid Williame Bannatyne being bund to ſerue him be the ſaid Band; ſwa that quhatſumeuir deid alledgeit to haif bene done be the ſaid Thomas Tueddell, can nawyis tuich the ſaid Williame, and thairfore aucht nawyis be reſpectit be the Inqueiſt: And as to the pretendit Depoſitiounis of Williame Stewart and Gylbert Pacok, the ſamin makis na thing to the purpois, and can preif na thing, aganis ony of the pannell, ffor diuerſe cauſſis: *First*, becaus thair Confeſſiounis, maid extrajudiciallie, merite na fayth; nather authoriſit be the Juſtice (or) Juſtice-Clarkis ſubſcriptioune, nor yit done in thair preſens: *Secundlie*, becaus thay ar extortit Confeſſiounis be the defunctis freindis, and maid in preſens of the Erll of Orknay, quha ſchew him ſelff partie in that cauſe, att quhais appitite and deſyre the ſamin wer maid; as the Depoſitiounis beris the ſamin to be maid, in his preſens: *Thrydlie*, the ſaidis Depoſitiounis ar maid be tua perſounes that ar giltie of the ſaid cryme, and wes actuall committeris

of the ſaid ſlauchter, quhilk can nawyis prejudge ony thryd partie; ſeing it is manifeſt, bayth of the Cannoune and Ciuile law, that *socius criminis*, and he that is giltie of the ſamyn cryme, can nocht be witnes aganis ony thryd perſoun, and his Depoſitioun can nawyis be preiudiciall to him: This is expreſlie decydit in Cap., *Veniens;* et in Capitulo, *Personas de testibus;* et in Capitulo, *Primo de confessis;* quhair the text, and the gloſe, and all the Doctouris contendes, *Quod nulli de se confesso credendum est contra alios, excepto Crimine Lese maiestatis; et quod confessio confitentis de se et crimine, si non est aduersus alios, admittenda.* This ſamin is decydit in L. finali, C. *de Accusationibus*, quhair the law inhibitis expreſlie all Judges, to ſpeir ony queſtiounis att ſic perſounes as confeſſis the crymis thame ſelffis, quhilk may preiudge onye thryd perſoune; and declaris all ſic Depoſitiounis that ar maid be giltie perſounis, and that hes tane the cryme vpoun thame, to be irrite and of nane availl, inſafar as thay may be preiudiciall to ony thryd perſoune: *Ferdlie*, becaus the ſaidis Depoſitiounis contenis na ſubſtantiall point aganis ony of the pannell; for it is newir deponit, in ony of thame, aganis ony of the pannell, that thay wer actuall doaris, conſulteris, committeris or dewyſeris of the ſaid deid; bot ar naikit aſſertiounis of the reherſall of vthir men, quhilk can preiff na thing in ane ciuile caus, mekill leſs in ane criminall; and thair is na thing contenit in any of the ſaidis Depoſitiounis quhilk preiffis that point of the Dittay, that Williame Bannatyne directit Thomas Tueddell to the doing of the turne, quhilk is the maiſt ſubſtantiall point of the Dittay aganis him; and that point nocht being provin, thair is na wound nor deid alledgeit committit be the ſaid Thomas Tueddell, quhilk may infer ony preiudice to the ſaid Williame: ffor it can nocht be verifeit, nather is itt of veritie that he wes his ſeruitour att the tyme lybellit, nor ane ȝeir of before; and gewand and nocht grantand that he had bene his ſeruand, yit the maiſter can nocht be obleiſt for the fact and deid of his ſeruand, except his cauſing and directioune had bene clerlie provin; for, according to the commoun rewle of the law, that ane ſould nocht be pvneiſt for ane vthir, it is cleir and manifeſt, that the maiſter can nocht be obleiſt for the faultis of his ſeruandis, nor the father for the faultis of his ſonis, bot the contrar; as is playnlie diffydit in Bartol. in L. *Ne quidem* ff. *de Incendio, ruina et naufragio*, and be all the Doctouris in L. *de Seruis ffugitiuis;* quhair it is expreſlie concludit, that the fault of the ſeruandis or ſubiectis, aucht nawyis to be hurtfull to thair maiſter: And as to that pairt of the Depoſitioun, bering, that Mr Archebauld Wilkie ſaid to ane of the deponeris, that 'Williame Bannatyne wes the wyte of all the Maiſter of Orknayis plattis laying,' the contrar thairof is of veritie, and ſalbe cleirlie provin be the ſaid Mr, and Depoſitioun, gif neid beis: In reſpect quhairof, the ſaidis pretendit Depoſitioun can work na thing aganis the pannell. And as to the Band

produceit, the ſamin can preiff na part of the Dittay; for thair is na mentioune maid of any ſic interpryis in the ſaid Band; bot the ſamin is ane naikit and generall Band, of the ſaid Williame and James ſeruice to the Maiſter of Orknay, and of his mantenance and defence; quhilk is maiſt leſum of the law, and contenis na kynd of probatioun nor preſumptioun aganis the pannell, or ony of thame; ſpeciallie, ſeing that the ſaid Band wes maid for ane juſt neceſſar caus, viz. ffor reconſiliatioune of the deidlie feid, quhilk had continewit ane lang tyme of before, betuix the Maiſter of Orknay and thame; and thairvpoun, had followit grit effuſioun of thair blude, as is notour to the haill toune of Edinburgh; quhair the ſaid Maiſter of Orknay diuerſe tymes aſſailȝeit the ſaid Williame Bannatyne, and wes woundit, with twa or thre of his ſeruandis; and the notorietie heirof is knawin to the perſewar, quha wes reddie with him, att diuerſe tymis, to haif reſiſtit the Maiſter of Orknay and his furie: In reſpect quhairof, the ſaid Williame, being ane meane gentilman, and haiſing to do with ſa potent ane aduerſar as the Maiſter of Orknay, had maiſt juſt caus to bind vp the ſtrateſt band of freindſchip with the ſaid Maiſter of Orknay, ȝe (*yea*), and (*if*) it wer to ſeill it with his awin blude, for his releif; and ſic ane generall Band of freindſchip, can newir mak nor convict all the perſounis contenit thairin, of all the deidis and malifices that ſal happin to be committit be ony ane perſoun contenit in the Band: And thairfoir, albeit all the reſt of the perſones contenit in the Band, except the pannell, had bene committeris of the deid lybellit, yit that can nawyiſe mak the pannell to be giltie thairof, ſeing thay wer nather airt nor pairt of the ſamin.

The perſewar, for anſuer, deſyrit the Aſſyiſe to merk the Depoſitiounis and the Band produceit; and proteſtit for wilfull errour, in caiſe thay acquit.

Verdict. The Aſſyiſe, be pluralitie of votis, chuſe Andro Rychartſoune (merchand), burges of Edinburgh, Chancillar, and thairefter reaſonit vpoun the pointis of the Dittay; and being throwchlie awyſit thairwith, together with the Depoſitiounis and Band produceit, and anſueris maid thairto, &c. ffand, pronunceit and declarit the ſaidis Williame Bannatyne and James Lokie to be Innocent, cleane and acquit of the haill crymes aboue writtin, contenit in Dittay: Quhairvpoun thay aſkit inſtrumentis.

Nota.—James Merſer tuik vp the Depoſitiounis and Band produceit be him.

Slaughter by Witchcraft and Sorcery.

Oct. 30.—Alesoune Jollie, ſpous to Robert Rae in Fala.

Dilatit of the alledgeit airt and pairt of the ſlauchter of vmq^le^ Iſſobell Hepburne, ſpous to Johnne Edmeſtoun in Fala, be Wichcraft and Sorcerie; committit in the monethis of Apryle and Maij, 1596.

PERSEWAR, Mr Williame Hairt, aduocat. PROLOQUUTOUR for the pannell, Mr Thomas Craig.

Comperit the Aduocat, and produceit Lettres of Secreit Counſall, of the dait the fyft of October inſtant; commanding the (Juſtice), Juſtice-clark and thair deputis, to ſett ane Court to this (day), and to caus ſummond ane Aſſyſe to Aleſoun Jollie, for the cauſſis of Wichcraft contenit in the lettres; commanding alſo, Johnne Edmeſtoune and James Hepburne in Bancreif, apprehenderis and dilataris of the ſaid Aleſoun, to compeir to inſiſt in the perſuit, conforme to thair delatioune, execute be Williame Porteous meſſinger; commanding alſo the Aduocat, to inſiſt in perſuit of the ſaid Aleſoun, the ſaid day. Be vertew quhairof, the ſaidis Johnne Edmeſtoun and James Hepburne are lauchfullie wairnit, to compeir and inſiſt in the perſuit of the ſaid Aleſoun. And ſiclyke, produceit vthiris Lettres, purcheſt at the Aduocattis inſtance, for chairgeing of the ſaidis Johnne Edmeſtoune and James Hepburne, to compeir and inſiſt in perſuit of the ſaid Aleſoun, and for ſummonding of ane Aſſyſe, execute be the ſaid Williame Porteous; and thairwith produceit ane Dittay.

The Juſtice depute produceit ane Warrand, ſubſcryuit be the King, att Lynlythgw the xiiij of October inſtant, commanding him to putt the ſaid Aleſoun to the tryell of ane Aſſyſe, for the crymes contenit in the Dittay.

The Pannell aſkis inſtrumentis of the productioune of the ſaidis Lettres, with the executiounis thairof, and that the ſaid Johnne Edmeſtoune and James Hepburne, being lauchfullie ſummond, oft tymes callit, lauchfull tyme of day biddin and comperit nocht, in reſpect thay knaw the danger of the law: And als, the ſaid Aleſoun offerit hir to the tryell of the law, but ony delay or continewatioune. —The aduocat, efter accuſatioune of the ſaid Aleſoune, produceit ane Confeſſioune maid be vmq^le Jonet Stratoune, ane Wich, of the dait, att Tranent, the tent of September laſtbypaſt; quhairby ſcho confeſt, that Aleſoun Jollie had cauſit hir bewich the ſaid vmq^le Iſſobell Hepburne.

The Aſſyſe chuſe Sir James Newtoun (in Creychtoune) Chancillar of the Aſſyſe.

DITTAY *of Alesoun Jollie for Sorcery, Witchcraft, Incantation, Poisoning, &c.*

ALESOUN JOLLIE, ſpous to Robert Rae in Fala; ȝe ar indict and accuſit, fforſamekill as, ȝe, haiſing conſauit ane deidlie hairent, rancour and malice aganis vmq^le Iſſobell Hepburne, ſpous for the tyme to Johnne Edmeſtoun in Fala, for the alledgeit redeming of ane aiker of land fra the ſaid Robert Rae and ȝow, quhairin ȝe wes in poſſeſſioun be the ſpace of twa ȝeiris or thairby; ȝe, accumpaneit with vmq^le Jonet Stratoune, ane notorious Wich, conſultit, dewyſit and interpryſit, within ȝour awin duelling-hous in Fala, and within the ſaid vmq^le Jonettis duelling-hous in Heſſildane, in Lauderdaill, the crewall and abhominabill murthour and ſlaughter of the ſaid vmq^le Iſſobell Hepburne; and that, in the monethis of Auguſt, September, October, Nouember, December, Januar, Februar and March, in the ȝeir of God I^m.V^c.lxxxxv ȝeiris, att the leiſt in ane or vthir of the ſaidis monethis: Lyke as, ȝe hyrit, conduceit and ſeduceit the ſaid vmq^le Jonet Stratoune, to performe the ſaid crewall murthour

and flauchter of the faid vmq^le Iffobell; quha, in the faidis monethis and ȝeiris of God foirfaidis, att the leift in ane or vthir of the famin, of ȝour airt, pairt-taking, confulting and only quarrelling, be Sorcerie, Wicheraft, Incantatioune, Poyfoning, or vther dewelifch or extraordinar meanis, laid ane heavie feiknes vpoun the faid vmq^le Iffobell Hepburne, quhairof fche deceiffit in the moneth of Maij, the ȝeir of God I^m.V^c.lxxxxv ȝeiris; and fwa, wes crewallie murdreift and flayne be ȝow and the faid vmq^le Jonet Stratoun, be Wicheraft and Sorcerie, vpoun fet purpois, provifioune and foirthocht fellony.

Off the quhilk Dittay and crymes foirfaidis, the Juftice-depute putt the faid Alefoun to the tryell of ane Affyis of the perfounes vnderwrittin; that is to fay, James Veitch, in Dalkeyth, &c.—The faid Alefoun denyit the famin.

Verdict. The Affyfe, be the mouth of the faid Chancillar, ffand, pronunceit and declarit the faid Alefoun to be Innocent, acquit and clangeit of the haill crymes aboue writtin: Quhairvpoun the faid Alefoun afkit inftrumentis.

Slaughter.

Nov. 4.—Johnne Boyd, burges of Edinburghe.

Dilatit of the flauchter of vmq^le Jonet Lyell, fpous to Williame Stewinfoune; committit in December laft-was.

Persewar, Williame Stewinfoune mariner in Leith.

Preloquitouris, in perfuit, Mr Rychard Spens, Walter Henryfoune.

Comperit Williame Scharp, and defyrit to continew the mater, becaus that Williame Stewinfoune and he ar hurt; that he may haif place heireftir to perfew.

Dittay *of Johnne Boyd burges of Edinburgh.*

Forsamekill as, he, haifing confauit ane deidlie rancour and malice aganis vmq^le Jonet Lyle, fpous to Williame Stewinfoun mariner in Leyth; in þe moneth of December laftbypaft, come to þe toun of Leyth, to þe faid Jonetis duelling hous þair; and eftir he had intyfitt hir to pas furth of hir faid hous and by (buy) ane half barrell of inzeounis[1] to þe faid Johnne Boyd, he remanit within hir faid hous, paft to þe almerie,[2] quhair fcho had certane meill;[3] in þe quhilk meill, he mixt certane poyfonne, of purpois to poyfoun and deftroy hir; quha the famin nycht, buik[4] the meill in bannokis (and) eit þairof; eftir þe quhilk eitting fche tuik ane vehement vometing and laxatt, and þe famin nycht deceiffit þairby: And fwa, he maift crewallie, treffonablie, vnnaturallie and barbarouffie flew and murdreift the faid vmq^le Jonet Lyle, vpoun fett purpois, provifioun and foirthocht fellony.

Verdict. The Affyis chefis Williame Rae (elder, cuitlar in Edinburgh) chancillar; and, in ane voce, Acquittis the faid Johnne Boyd of the Dittay vnder (aboue) writtin.

Slaughter by Witchcraft and Sorcery.

Nov. 27.—Cristian Stewart in Nokwalter.

Dilatit of airt and pairt of the flauchter of vmq^le Patrik Ruthvene, be Wichcraft and Sorcerie.

[1] Onions. [2] Cupboard, she having been too poor to have a 'meal-girnel.' [3] Oatmeal. [4] Baked.

PERSEWARIS, Alexander Ruthvene, brother to the defunct, Mr Wm Hairt, Kingis advocate.

The quhilk day, eftir accufatioun of the faid Criftian Stewart in Nokwalter, be Dittay, in prefens of Walter Robefoun and vtheris perfounis of Affyife, of airt and pairt of the flauchter of vmq^le Patrik Ruthven be Witchcraft; the faid Alex^r Ruthven, for verifeing of the faid Dittay produceit the Depofitiounis of the faid Criftiane, maid att the burcht of Perth, in my Lord of Gowreis ludgeing thair, the xviij of Auguft 1596, in prefens of Mr Patrik Galloway minifter, Mr Williame Couper minifter att Perth, Archebauld Moncreif minifter, Mr Alexander Lyndefay and Thomas Gaw notar: Togidder with the Depofitiounes of the faid Criftian, maid in the faid ludgeing, the xix of the faid moneth of Auguft, in prefens of the faid Mr Patrik Galloway, Mr Williame Couper, Mr Williame Rynd, Johnne Roife and Henry Eldar notar; all fubfcryuit with thair hand: Togidder with ane vther Depofitioun, maid in the ludgeing foirfaid, the xxj day of the faid moneth of Auguft: Togidder with ane vther Depofitioun, maid be the faid Criftiane Stewart, maid att Edinburgh the xiij of September 1596, in prefens of Mr Robert Bruce minifter of Godis word in Edinburgh, Clement Con ane of the bailleis thairof, Mr Gylbert Moncreif doctor of medicine, fubfcryuit with thair handis; teftifeing hir, to haif tane ane clout fra Iffobell Stewart, to bewich the faid vmq^le Patrik: Togidder with ane Declaratioun of the dait att . . . . . the . . . . . day of . . . . . , 1596, fubfcryuit be Sir George Hwme and Williame Stewart, teftifeing that the faid Criftian Stewart deponit in September laftbypaft, in Lynlythgw, in prefens of his Maieftie, that fche bewichit the faid vmq^le Patrik.

VERDICT. The Affyis, being chofin, fworne and admittit, remowit furth of Court to the north end of the Tolbuith, quhair eftir cheching of Michaell Rattray in Pittindyne chancillar, reafonit vpoun the poynt of the faid Dittay; and being throuchlie auifit thairwith, reenterit agane in Court, quhair thay, be the mouth of the faid Chancillar, ffand the faid Criftiane Stewart to be Fylit, culpabill and convict of the bewiching of vmq^le Patrick Ruthvene, be cafting of Wicheraft vpoune him with ane blak clout: And for airt and pairt of the flauchter of the faid vmq^le Patrik; committit in Junij laft: And for commoun Wichcraft.

SENTENCE. For the quhilk crime, fche wes ordenit to be tane to the Caftlehill and thair to be brunt.[1]

[1] On margin of the Record, 'FYLIT and BRUNT.'